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Circular No. 1253.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

June 6, 1931.

: Instructions in re applica-
: tions by Indians to make
: stock raising homestead entries.

Registers,

U. S. Land Offices.

Sirs:

On May 29, 1931, the Assistant Secretary of the Interior instructed this office in respect to applications to make stock raising homestead entries by Indians, as follows:

> "This will refer to the letter of your office forwarding a telegram from John T. Murphy, Chief of Field Division at Santa Fe, New Mexico, which reads as follows:
>
> "'Large number Navajo Indians living off reservation on public land desire and contemplate making stock raising homesteads for land occupied and unoccupied by them under existing laws and regulations. Will it be necessary for Indians to pay legal fees and commissions?'
>
> "A more recent telegram from Mr. Murphy shows that there are two classes of persons who contemplate making stock raising homesteads on the public domain, viz:
>
> "(1) Those desiring to make entries for 640 acres under what is known as the Indian Homestead Act of July 4, 1884 (23 Stat. 96), as Indians and receive trust patents, and,
>
> "(2) Those desiring to make entries for 640 acres under the stock raising homestead act of December 29, 1916 (39 Stat. 862), as citizens and receive fee patents.
>
> "The act of July 4, 1884, supra, provides:
>
> "'That such Indians as may now be located on public lands, or as may, under the direction of the Secretary of the Interior, or otherwise, hereafter, so locate, may avail themselves of the provisions of the homestead laws as fully and to the same extent

Circ. 1253

as may now be done by citizens of the United States; and to aid such Indians in making selections of homesteads and the necessary proofs at the proper land offices, one thousand dollars, or so much thereof as may be necessary, is hereby appropriated; but no fees or commissions shall be charged on account of said entries or proofs. All patents therefor shall be of the legal effect, and declare that the United States does and will hold the land thus entered for the period of twenty-five years, in trust for the sole use and benefit of the Indian by whom such entry shall have been made, or, in case of his decease, of his widow and heirs according to the laws of the State or Territory where such land is located, and that at the expiration of said period the United States will convey the same by patent to said Indian, or his widow and heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever.'

"After setting out in your letter that this act has received varying interpretations in your office, the opinion is expressed therein that said act 'should be construed to apply to homestead entries by Indians under the general, the enlarged or the stock raising homestead laws. It does not seem that the benefits of the act should be withheld from the Indians because of modifications in the homestead laws subsequent to the passage of the act.'

"The act of March 3, 1875 (18 Stat. 420), contains the first legislation extending the benefits of the general homestead law to Indians. It is provided in Sections 15 and 16 of said act:

"'Sec. 15. That any Indian born in the United States, who is the head of a family, or who has arrived at the age of twenty-one years, and who has abandoned, or may hereafter abandon, his tribal relations, shall, on making satisfactory proof of such abandonment, under rules to be prescribed by the Secretary of the Interior, be entitled to the benefits of the act entitled 'An act to secure homesteads to actual settlers on the public domain,' approved May twentieth, eighteen hundred and sixty-two, and the acts amendatory thereof, except that the provisions of the eighth section of the said act shall not be held to apply to entries made under this act: Provided, however, That the title to lands acquired by any Indian by virtue hereof shall not be subject to alienation or incumbrance, either by voluntary conveyance or the judgment, decree, or order of any court, and shall be and remain inalienable for a period of five years from the date of the patent issued therefor: Provided, That any such Indian shall be entitled to his distributive share of all annuities, tribal funds, lands, and other property, the same as though he had maintained his tribal relations; and any transfer, alienation, or incumbrance of any interest he may hold or claim by reason of his former tribal relations shall be void.

'Sec. 16. That in all cases in which Indians have heretofore entered public lands under the homestead law, and have

> proceeded in accordance with the regulations prescribed by the Commissioner of the General Land Office, or in which they may hereafter be allowed to so enter under said regulations prior to the promulgation of regulations to be established by the Secretary of the Interior under the fifteenth section of this act, and in which the conditions prescribed by law have been or may be complied with, the entries so allowed are hereby confirmed, and patents shall be issued thereon; subject, however, to the restrictions and limitations contained in the fifteenth section of this act in regard to alienation and incumbrance.'

"For quite a long period the act of 1884 was construed as being intended to amend or supersede the act of 1875; among other things, that an entryman under the act of 1875 who had not fully complied with all the requirements of that act prior to the act of 1884, might complete his entry and receive patent under the later act, which provides that the land shall be held in trust for 25 years. But the Supreme Court in the case of United States v. Hemmer (241 U. S. 379), held that the act of 1884 did not repeal, amend, nor modify the provisions of the act of 1875; that all of the provisions of the two acts stand together and remain in force; and that the act of 1884 did not have the effect to extend from 5 years to 25 years the restriction on alienation of the land acquired by an Indian homesteader under the act of 1875.

"However, as to policy it is clear that the act of 1884 was but a continuation of that established by the act of 1875; that is, to protect the Indians against a hasty and improvident alienation of their lands, both acts relating to the same subject. Bearing this in mind, the provision in the act of 1875, - 'be entitled to the benefits of the act entitled 'An act to secure homesteads to actual settlers on the public domain,' approved May twentieth, eighteen hundred and sixty-two, and the acts amendatory thereof,' - taken in connection with the provisions of the act of 1884, would seem to support the position of your office as follows: 'It does not seem that the benefits of the act should be withheld from the Indians because of modifications in the homestead laws subsequent to the passage of the act.' (1884.) Therefore, it is the view of the Department that the persons above referred to as Class 1 may be permitted to make stock raising homesteads under the act of July 4, 1884, as Indians, and under the provisions of which they are to receive trust patents and be relieved from the payment of fees and commissions.

"As to Class 2 of persons above referred to who desire to make stock raising homestead entries under the act of 1916 as citizens and receive fee patents, they must proceed as such as distinguished from Indians, subject to compliance with the conditions, qualifications, and requirements of said act as amended, including the payment of regular fees and commissions."

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Accordingly, when an Indian presents an application to make a stock raising homestead entry for vacant unreserved surveyed public land, under the act of July 4, 1884, without payment of fee and commissions, and presents a certificate from the Commissioner of Indian Affairs that he is entitled as an Indian to make entry under the said act of 1884, you will allow the entry if all else appears regular under the homestead laws, without requiring the payment of fee and commissions, and forward the same with your regular returns and report the allowance on your abstract of entries.

If the Indian desires to make entry under the act of 1884, but does not present the required certificate from the Indian Office, you will suspend the application for a period of 60 days, to allow the Indian to procure the certificate. If not filed within the time allowed, you will reject the application subject to the usual right of appeal.

If the Indian applicant applies to enter under the stock raising act as a citizen, paying the usual fee and commissions, you will treat the application precisely the same as applications by citizens not Indians.

Very respectfully,

C. C. MOORE,

Commissioner.

See Part 230
7 CFR 43

Still in effect 5/28/51 DB

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Circular No. 1257.

REGULATIONS UNDER ACT OF JUNE 13, 1930 (46 STAT. 581), AMENDING ACT OF APRIL 21, 1928 (45 STAT. 439), STATE TAXATION OF LANDS OF HOMESTEAD AND DESERT-LAND ENTRYMEN UNDER THE RECLAMATION ACT AND OF HOMESTEADS ON CEDED INDIAN LANDS WITHIN INDIAN IRRIGATION PROJECTS BEFORE ISSUANCE OF FINAL CERTIFICATE. AMENDING CIRCULAR NO. 1176 (52 L. D. 511).

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See Circ 534, 637, 700, 716, 759, 1229, 1176

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington July 22, 1931.

Registers,

United States Land Offices.

Gentlemen:

The act of June 13, 1930 (46 Stat. 581), amends the act of April 21, 1928 (45 Stat. 439), to read as follows:

> That the act entitled "An Act to permit taxation of lands of homestead and desert-land entrymen under the reclamation act," approved April 21, 1928, is amended to read as follows: "That the lands of any homestead entryman under the act of June 17, 1902, known as the reclamation act, or any act amendatory thereof or supplementary thereto, and the lands of any entryman on ceded Indian lands within any Indian irrigation project, may, after satisfactory proof of residence, improvements, and cultivation, and acceptance of such proof by the General Land Office, be taxed by the State or political subdivision thereof in which such lands are located in the same manner and to the same extent as lands of a like character held under private ownership may be taxed.
>
> "Sec. 2. The lands of any desert-land entryman located within an irrigation project constructed under the reclamation act and obtaining a water supply from such project, and for whose land water has been actually available for a period of four years, may likewise be taxed by the State or political subdivision thereof in which such lands are located.
>
> "Sec. 3. All such taxes legally assessed shall be a lien upon the lands and may be enforced upon said lands by the sale thereof in the same manner and under the same proceeding whereby said taxes are enforced against lands held under private ownership; but the title or interest which the State or political subdivision thereof may convey by tax sale, tax deed, or as a

Forms for notice in Circ File

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result of any tax proceeding shall be subject to a prior lien reserved to the United States for all due and unpaid installments on the appraised purchase price of such lands and for all the unpaid charges authorized by law whether accrued or otherwise. The holder of such tax deed or tax title resulting from such tax shall be entitled to all the rights and privileges in the land of an assignee of such entryman on ceded Indian lands or of an assignee under the provisions of the act of June 23, 1910, as amended, or of any such entries in a Federal reclamation project constructed under said act of June 17, 1902, as supplemented or amended.

"Sec. 4. If the lands of any such entryman shall at any time revert to the United States for any reason whatever, all such liens or tax titles resulting from assessments levied after the date of this amendatory act upon such lands in favor of the State or political subdivision thereof wherein the lands are located, shall be and shall be held to have been, thereupon extinguished; and the levying of any such assessment by such State or political subdivision shall be deemed to be an agreement on its part, in the event of such reversion, to execute and record a formal release of such lien or tax title."

Section 1 of the act of June 13, 1930, amends the act of April 21, 1928, so as to make it applicable to the lands of any entryman within any Indian irrigation project on ceded Indian lands, after satisfactory proof of residence, improvement, and cultivation, under the homestead law, and acceptance of such proof by the General Land Office; as well as to lands of reclamation homestead entrymen under the act of June 17, 1902, after final proof and compliance with the ordinary requirements of the homestead law have been made and accepted by the Commissioner of the General Land Office.

Section 3 of said act of June 13, 1930, provides that the title or interest conveyed by tax sale, tax deed, or as a result of any tax proceeding shall be subject to a prior lien reserved to the United States for all due and unpaid installments on the appraised purchase price of the lands and for all the unpaid charges authorized by law whether accrued or otherwise.

By section 4 of said act of June 13, 1930, a new section has been added to the act of April 21, 1928. In said section 4 Congress has conditioned its consent to the taxation, by the State or political subdivision thereof, of lands of homestead and desert-land entrymen under the reclamation act, and of homestead entries within irrigation projects on ceded Indian lands prior to the issuance of final certificate thereon by providing, with respect to liens or tax titles resulting from assessments levied after June 13, 1930, on such entered lands, for the extinguishment of all such liens or tax titles if the lands of the entryman should at any time revert to the United States for any reason whatever; for the execution and recording by the proper State authorities of a formal release of such lien or tax title in the event of such reversion, and that "the levying of any such assessment by such State or political subdivision shall be deemed to be an agreement on its part, in the event of such reversion, to execute and record a formal release of such lien or tax title." The matter of conferring upon the States or political subdivisions thereof permission to tax such land and upon terms rests exclusively with Congress. Following the plain provisions of said section 4 it is held, with reference to liens or tax titles resulting from assessments levied after June 13, 1930, that on the reversion of the entered land to the United States by relinquishment or cancellation for any cause, or for any reason whatever, all such liens or tax titles are thereupon extinguished and the land is restored to the United States free of all such liens or tax titles.

Circular No. 1176 (52 L. D. 511), is amended as set forth herein.

The purpose of the law is to permit taxation by States or political subdivisions thereof, prior to the issuance of final certificate, of lands embraced in reclamation homestead entries, and in desert-land entries within irrigation projects constructed under the reclamation act and obtained a water supply from a reclamation project, and of homestead entries on ceded Indian lands within any Indian irrigation project.

Homestead entries under the reclamation act and homestead entries on ceded Indian lands within any Indian irrigation project are made subject to such taxation after the submission of satisfactory final proof under the ordinary provisions of the homestead law and upon the acceptance thereof by the Commissioner of the General Land Office, and desert-land entries located within irrigation projects constructed under the reclamation act and obtaining a water supply from such project at any time after water from said project has been actually available for the irrigation of the lands in the entry for four years.

Taxes legally so assessed by the State or political subdivision thereof under the acts of April 21, 1928, and June 13, 1930, constitute a lien upon the land, subject to the prior lien of the United States for all due and unpaid installments of the appraised purchase price of the lands and for all the unpaid charges authorized by law, whether accrued or otherwise, and such lien may be enforced by the State or political subdivision thereof by the sale of the lands under proceedings had as in case of lands held in private ownership.

No tax assessed or levied, if any, prior to April 21, 1928, by the State or political subdivision thereof, is validated by either the act of April 21, 1928, or June 13, 1930.

In case of the sale for unpaid taxes of lands included in homestead entries on ceded Indian lands within any Indian irrigation project, or of a reclamation homestead entry, or a desert-land entry within an irrigation project constructed under the reclamation act and obtaining its water supply from such a project, the holder of the tax deed or tax title resulting from such tax sale shall be entitled to all the rights and privileges, as to such homestead entries, of an assignee homestead entryman on such ceded Indian lands or of an assignee under the provisions of the act of June 23, 1910 (36 Stat. 592), and section 2 of the act of March 28, 1908 (35 Stat. 52), as to desert-land entries, only when application for recognition as assignee has been filed in accordance with the governing regulations (see 47 L. D. 417 as to homestead entries and 50 L. D. 453,

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as to desert-land entries), and also satisfactory proof of such tax title and showing that the period of redemption has expired. After acceptance by the Commissioner of the General Land Office of such evidence as satisfactory, the name of such assignee shall be endorsed upon the records of the General and local offices and such assignee shall be entitled to the rights of one holding a complete and valid assignment under said act of June 23, 1910, or the act of March 28, 1908, supra, and such assignee may at any time thereafter receive patent with lien reserved (in proper cases) under the act of August 9, 1912 (37 Stat. 265), as amended and extended, for all unpaid installments, including, in proper cases, all sums due or to become due to the United States on account of the purchase price of the land, upon submitting satisfactory proof of reclamation required by the act of June 17, 1902 (32 Stat. 388), and acts amendatory thereof, and in case of desert-land entries, the claimant upon submitting satisfactory final proof under the act of March 3, 1877 (10 Stat. 377), as amended by the acts of March 3, 1891 (26 Stat. 1095), section 5 of June 27, 1906 (34 Stat. 520), June 6, 1930 (46 Stat. 502), and June 13, 1930 (46 Stat. 581), and making the payments required by said acts, shall receive patent with lien reserved in proper cases. The holder of the tax deed or tax title, applying for recognition as assignee, as aforesaid, must submit proper evidence of tax title. As the laws governing the sale of lands for taxes are not the same in the several States affected by this act and as in some instances more than one method of conducting sales is permitted, and as the period in which redemption may be made varies, it is not thought advisable to formulate specific rules governing evidence or proof of tax titles. However, the following general rules must be observed: If the tax title is based on court proceedings, a copy of the decree or order of the court under the seal of the clerk of the court must be furnished. The certificate of the clerk of the court should make specific reference to the laws governing such sale and show that the period of redemption has expired without redemption having been made, citing the statute. If the sale was made by the State or political subdivision thereof or under other than court proceedings, the certificate of the officer conducting such sale, under the seal of his office, must be furnished. This certificate should show that all steps necessary to legalize such sale were taken, citing the statutes, and should show that the period of redemption has expired without redemption being made.

In cases of application for exchange of reclamation homestead entries under said act of June 17, 1902, in whole or in part (of lands not sold at tax sale), or application to amend, where the proof as to residence, improvements, and cultivation in support of the base land has been accepted as satisfactory (see subsection M. of section 4 of the act of December 5, 1924, 43 Stat. 672, and section 44 of the act of May 25, 1926, 44 Stat. 636 and the regulations under said act of May 25, 1926, 51 L. D. 525, 52 L. D. 193), there must be furnished in addition to the usual evidence a certificate by the proper State or county tax officer showing that there are no unpaid taxes or tax sales charged against the land or tax deeds outstanding and that the accrued taxes for the current year have been provided for. In this connection reference is made of course to assessments or taxes, if any, levied by the State since April 21, 1928, under said acts of April 21, 1928, and June 13, 1930. On allowance of such exchange or amendment, you will promptly notify the proper State or county authorities thereof, to the end that the base lands, in the event that they have been legally assessed, may not be further taxed by the State or political subdivision thereof unless and until they again acquire a taxable status. The notice should describe the base lands, title to which has reverted to the United States, together with the name of the party surrendering title to the land to the United States.

Except in cases of application to exchange, or amend, as set forth in the next preceding paragraph, whenever relinquishments of entries or parts of entries involving taxable lands are filed with the Register, he will note the same upon his records as in ordinary cases, and in cases of the cancellation, in whole or in part, of entries involving taxable lands, the Register will note such cancellation upon his records and promptly advise the State or county authorities thereof to the end that the lands involved may be formally relieved of taxes, liens, or tax titles, if any, levied or outstanding thereagainst pursuant to said act of June 13, 1930, between June 13, 1930, and the date when the relinquishment was filed or cancellation made. Such notice should describe the land involved and give the name of the entryman or claimant thereof as shown by the records of the Land Department. The notice to the tax authorities should be substantially in the form shown at the end of these instructions. The release of the lien or tax title should be duly executed and recorded by the proper State or county authorities, after which with evidence of its recordation it should be filed with the Register and thereupon forwarded to the General Land Office. A copy of the notice issued to the State or county tax authorities should be transmitted to the Commissioner of the General Land Office on the issuance of the notice to the State.

Failure to notify the State or political subdivision thereof of reversion of title to the base land in cases of application for exchange, or for amendment, or in cases of relinquishment or cancellation of any entry does not mean that such base land or land covered by the relinquished or canceled entry still retains its taxable status, if any such it ever had under said act of April 21, 1928, as originally enacted or as amended, as aforesaid, inasmuch as under law lands owned by the United States and not in a taxable status are not, under any circumstances, subject to taxation by the State or political subdivision thereof.

The Register of the local land office will, upon application therefor, furnish the proper taxing authorities lists of reclamation homestead entries upon which final proof has been submitted and accepted under the ordinary provisions of the homestead law, and of desert-land entries where water from a Federal irrigation project has been available for four years, as provided in instructions of October 8, 1907 (36 L. D. 194), and of April 16, 1910 (38 L. D. 575). Circular of July 8, 1922 (49 L. D. 168), stands revoked as of November 27, 1928.

Neither said act of April 21, 1928, nor the amendatory act of June 13, 1930, enlarges, abridges, or impairs the act of August 11, 1916 (39 Stat. 506), in re irrigation districts in their relation to the public lands of the United States and both the act of April 21, 1928, as amended, and said act of August 11, 1916, may have harmonious operation within their proper spheres. For regulations under said last mentioned act see 52 L. D. 155.

The holder of the tax deed or tax title resulting from the tax sale mentioned in section 3 of said act of April 21, 1928, and of said act of June 13, 1930, should promptly give notice in writing of his claimed interest in the land to the Register of the local land office within whose district the involved land is situated, in accordance with rule 98 of the Rules of Practice (51 L. D. 563), whereupon he will be entitled to full notice of all action against the entry as provided by said rule.

Very respectfully,

C. C. MOORE,

Commissioner.

I concur: July 22, 1931.

P. W. DENT,

Acting Commissioner, Bureau of Reclamation.

I concur: July 22, 1931.

C. J. RHOADS,

Commissioner of Indian Affairs.

Approved: July 22, 1931.

JOS. M. DIXON,

First Assistant Secretary.

See Circ. 1282

Circular No. 1258

VACANT PUBLIC LANDS ON JULY 1, 1931

Department of the Interior,
General Land Office,
Washington, D. C., July 1, 1931.

GENERAL INFORMATION

The lands in the thirteen original States, Connecticut, Delaware, Georgia, Maryland, Massachusetts, North Carolina, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, South Carolina, and Virginia, also in Texas, never formed a part of the public domain; their disposition is governed by the State laws, and information concerning same should be sought from the State authorities.

There are no public lands in the State of Kentucky and Tennessee, and none is known to this office remaining undisposed of in the States of Illinois, Indiana, Iowa, Missouri, and Ohio. Small areas remain in the States of Alabama, Kansas, Louisiana, Michigan, Mississippi, Oklahoma, and Wisconsin, in widely scattered tracts, and no descriptive lists thereof are available. Entry of these lands must be made at, and all other related business transacted with, the General Land Office, at Washington, D. C., as there are no district offices in the States named.

Because of the small proportion of surveyed land, no attempt is made to give statistical information concerning the unappropriated Government land in the Territory of Alaska. The total area of the Territory is 378,165,760 acres, of which about 30,000,000 acres are reserved. Of the reserved area, 21,397,239 acres are within the boundaries of national forest. Approximately 1,963,835 acres have been surveyed under the rectangular system and special surveys by metes and bounds.

The following tables show, by States, land districts, and counties, the area of unappropriated and unreserved public lands, surveyed and unsurveyed, with a brief statement of their character.

These figures are as nearly correct as is possible under the circumstances and are mainly intended to convey general information as to the quantity, character, and location of the public lands. As a rule, the Government is unable to furnish specific information as to soil, topography, and value of the land for different purposes. It may be stated generally, however, that the remaining vacant public lands, not mineral in character, are chiefly valuable for grazing purposes, though some tillable land may be found.

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The General Land Office can not advise inquirers as to the location of the unappropriated tracts in counties where only a few acres are reported as vacant. Information on that subject may be obtained by a careful examination of the records of the district land offices or of this office, which are open for inspection when not in official use. No maps of States and counties showing the location of the vacant public lands are furnished but township diagrams and plats giving information specified below may be prepared and sold by the registers of the various district land offices at the following prices:

For a township diagram showing entered land only	$1.00
For a township plat showing form of entries, names of claimants, and character of entries	2.00
For a township plat showing form of entries, names of claimants, character of entry, and number	3.00
For a township plat showing form of entries, names of claimants, character of entry, number, and date of filing or entry, together with topography, etc	4.00

The General Land Office records are subject to reasonable inspection for the purpose of obtaining data as to vacant public land, and it will be glad to furnish information as to the status of any particular tract if the legal subdivision, section, township, and range thereof, according to the public land survey, is given, or, if unsurveyed, by its relative position to adjacent surveyed lands.

The district officers furnish prospective settlers general advice as to lands in their respective districts and literature regarding the methods of making entry. However, personal inspection must be made of the tract to be entered before application is filed, and the settler should exercise great care to satisfy himself as to its character before taking any other step.

No stamps or self-addressed envelopes need be sent with inquiries.

Very respectfully,

C. C. Moore, *Commissioner.*

Approved: July 29, 1931.
Jos. M. Dixon,
First Assistant Secretary.

VACANT PUBLIC LANDS ON JULY 1, 1931

Statement showing the unappropriated and unreserved lands by district and county, on July 1, 1931

[Counties containing no vacant land are omitted]

ARIZONA

Land district and county	Area in acres			Character
	Surveyed	Unsurveyed	Total	
Pheonix:				
Apache	435,000	------------	435,000	Desert.
Cochise	430,000	65,000	495,000	Mountainous and arid.
Coconino	545,000	275,000	820,000	Rough and arid.
Gila	50,000	10,000	60,000	Mountainous and arid.
Graham	455,000	270,000	725,000	Do.
Greenlee	136,000	100,000	236,000	Do.
Maricopa	880,000	1,000,000	1,880,000	Desert.
Mohave	1,400,000	1,200,000	2,600,000	Do.
Navajo	230,000	------------	230,000	Do.
Pima	575,000	970,000	1,545,000	Do.
Pinal	750,000	150,000	900,000	Do.
Santa Cruz	3,400	------------	3,400	Arid and rolling.
Yavapai	790,000	360,000	1,150,000	Mountainous and arid.
Yuma	810,000	2,477,000	3,287,000	Desert.
Total	7,489,400	6,877,000	14,366,400	

ARKANSAS

Land district and county	Surveyed	Unsurveyed	Total	Character
Little Rock:				
Arkansas	40	------------	40	Level, overflow land.
Baxter	9,410	------------	9,410	Mountainous, timbered, mineral.
Benton	600	------------	600	Mountainous, timbered.
Boone	1,400	------------	1,400	Do.
Carroll	1,640	------------	1,640	Do.
Cleburne	9,880	------------	9,880	Do.
Conway	1,120	------------	1,120	Do.
Craighead	1,400	------------	1,400	Swampy, timbered.
Crawford	3,440	------------	3,440	Mountainous, timbered.
Faulkner	440	------------	440	Broken, rough, timbered.
Franklin	1,840	------------	1,840	Do.
Fulton	13,840	------------	13,840	Do.
Garland	80	------------	80	Do.
Green	200	------------	200	Swampy, timbered.
Hot Springs	320	------------	320	Broken, timbered.
Howard	280	------------	280	Do.
Independence	4,800	------------	4,800	Broken, mountainous, timbered.
Izard	14,880	------------	14,880	Do.
Jackson	160	------------	160	Hilly, some timber.
Johnson	4,360	------------	4,360	Mountainous, timbered.
Lafayette	80	------------	80	Low, wet land.
Lawrence	1,080	------------	1,080	Broken, timbered.
Lincoln	80	------------	80	Low, wet land.
Logan	3,800	------------	3,800	Broken, timbered.
Madison	5,960	------------	5,960	Mountainous, timbered.
Marion	5,520	------------	5,520	Do.
Miller	400	------------	400	Low, wet land.
Mississippi	2,760	------------	2,760	Overflow land, timbered.
Monroe	40	------------	40	Do.
Montgomery	880	------------	880	Broken, mountainous, timbered.
Newton	7,600	------------	7,600	Do.
Perry	120	------------	120	Do.
Pike	840	------------	840	Do.
Pinesett	640	------------	640	Overflow land, timbered.
Polk	2,040	------------	2,040	Mountainous, timbered.
Pope	3,240	------------	3,240	Do.
Randolph	3,200	------------	3,200	Broken, rough, timbered.
Saline	120	------------	120	Do.
Scott	4,560	------------	4,560	Do.
Searcy	7,400	------------	7,400	Do.
Sebastian	2,080	------------	2,080	Do.
Sevier	480	------------	480	Do.
Sharp	10,360	------------	10,360	Do.
Stone	17,520	------------	17,520	Do.
Van Buren	25,960	------------	25,960	Do.
Washington	6,040	------------	6,040	Do.
White	320	------------	320	Do.
Yell	920	------------	920	Do.
Total	184,170	------------	184,170	

Statement showing the unappropriated and unreserved lands by district and county, on July 1, 1931—Continued

CALIFORNIA

Land district and county	Area in acres			Character
	Surveyed	Unsurveyed	Total	
Los Angeles:				
Imperial	647, 476	145, 124	792, 600	Level, rolling, mountainous, all desert.
Kern	67, 800	------------	67, 800	Arid, level desert, mountainous.
Los Angeles	5, 455	55	5, 510	Do.
Riverside	565, 991	617, 488	1, 183, 479	Do.
San Bernardino	2, 995, 230	639, 924	3, 635, 154	Do.
San Diego	450, 917	27, 820	478, 737	Do.
Ventura	3, 324	------------	3, 324	Mountainous.
Total	4, 736, 193	1, 430, 411	6, 166, 604	
Sacramento:				
Alameda	271	------------	271	Rough, mountainous.
Alpine	1, 421	300	1, 721	Do.
Amador	9, 637	------------	9, 637	Hilly, grazing, mineral.
Butte	9, 807	320	10, 127	Do.
Calaveras	18, 372	------------	18, 372	Do.
Colusa	22, 588	1, 980	24, 568	Hilly, grazing.
Contra Costa	40	------------	40	Rough.
El Dorado	16, 210	------------	16, 210	Grazing, mineral, mountainous.
Fresno	97, 737	1, 380	99, 117	Grazing, rough, mountainous, desert.
Glenn	10, 645	------------	10, 645	Hilly, grazing.
Humboldt	3, 619	2, 999	6, 618	Mountainous, grazing, timber.
Inyo	788, 820	2, 148, 763	2, 937, 583	Mountainous, desert, mineral.
Kern	471, 429	96, 428	567, 857	Mountainous, grazing, mineral, desert.
Kings	698	------------	698	Mountainous, desert.
Lake	96, 533	2, 720	99, 253	Hilly, grazing.
Lassen	1, 010, 232	3, 453	1, 013, 685	Grazing, timber, mineral, desert.
Madera	1, 173	600	1, 773	Mountainous, grazing.
Mariposa	28, 128	------------	28, 128	Hilly, grazing, mineral.
Mendocino	73, 489	1, 600	75, 089	Rough, grazing.
Merced	3, 406	------------	3, 406	Rough, mountainous.
Modoc	261, 086	71, 534	332, 620	Grazing, timber, mineral.
Mono	221, 273	33, 110	254, 383	Mountainous, grazing, mineral.
Monterey	70, 757	------------	70, 757	Rough, mountainous.
Napa	41, 050	------------	41, 050	Do.
Nevada	12, 760	------------	12, 760	Mountainous, grazing, mineral.
Placer	2, 533	------------	2, 533	Mountainous, mineral.
Plumas	250	2, 591	2, 841	Mountainous, timber, mineral.
San Benito	123, 975	------------	123, 975	Rough, mountainous.
San Bernardino	2, 217, 881	1, 311, 362	3, 529, 243	Mountainous, desert, mineral.
San Joaquin	528	------------	528	Rough, mountainous.
San Luis Obispo	123, 499	2, 510	126, 009	Do.
Santa Barbara	5, 749	------------	5, 749	Do.
Santa Clara	20, 745	------------	20, 745	Do.
Shasta	82, 865	63, 405	146, 270	Mountainous, grazing, mineral.
Sierra	2, 088	------------	2, 088	Mountainous, timber, mineral.
Siskiyou	56, 617	13, 694	70, 311	Mountainous, grazing, mineral.
Solano	1, 120	------------	1, 120	Rough, mountainous.
Sonora	10, 549	1, 370	11, 919	Do.
Stanislaus	17, 971	------------	17, 971	Do.
Tehama	24, 721	429	25, 150	Hilly, grazing, mineral.
Trinity	32, 533	4, 700	37, 233	Mountainous, grazing, mineral, timber.
Tulare	68, 748	15, 895	84, 643	Mountainous, grazing.
Tuolumne	8, 032	1, 600	9, 632	Mountainous, grazing, mineral.
Yolo	25, 376	640	26, 016	Hilly, grazing.
Total	6, 096, 961	3, 783, 383	9, 880, 344	
State total	10, 833, 154	5, 213, 794	16, 046, 948	

Statement showing the unappropriated and unreserved lands by district and county, on July 1, 1931—Continued

COLORADO

Land district and county	Area in acres			Character
	Surveyed	Unsurveyed	Total	
Denver:				
Boulder	3, 360		3, 360	Mountainous, mineral.
Chaffee	89, 650		89, 650	Grazing, mineral, mountainous.
Clear Creek	5, 242	11, 600	16, 842	Mountainous, mineral.
Delta	130, 900	1, 600	132, 500	Grazing, agricultural, mountainous.
Dolores	26, 511		26, 511	Mountainous.
Douglas	80		80	Arid, grazing, mineral.
Eagle	122, 960	2, 000	124, 960	Grazing, agricultural, mountainous.
Elbert	80		80	Mountainous, mineral.
Fremont	25, 000		25, 000	Mountainous, grazing, mineral.
Garfield	414, 559	135, 529	550, 088	Mountainous, grazing, shale, coal.
Gilpin		3, 480	3, 480	Mountainous, grazing, mineral.
Grand	64, 090		64, 090	Grazing, mountainous, mineral, coal.
Gunnison	273, 250	73, 900	347, 150	Grazing, mountainous, agricultural.
Hinsdale	64, 880	33, 450	98, 330	Grazing, mountainous.
Jackson	170, 760		170, 760	Do.
Jefferson	880		880	Do.
Lake	11, 160	12, 800	23, 960	Grazing, mountainous.
Larimer	22, 600		22, 600	Grazing, mountainous.
Logan	1, 240		1, 240	Sandy, grazing, agricultural.
Mesa	608, 848	154, 290	763, 138	Grazing, agricultural, coal.
Moffat	1, 211, 851	196, 230	1, 408, 081	Mountainous, grazing, agricultural, coal.
Montrose	454, 110	60, 600	514, 710	Mountainous, grazing, agricultural.
Morgan	640		640	Sandy, grazing, agricultural.
Park	57, 120	11, 000	68, 120	Mountainous, grazing.
Ouray	25, 220		25, 220	Grazing, mineral.
Pitkin	13, 007		13, 007	Mountainous, grazing.
Rio Blanco	824, 514	235, 700	1, 060, 214	Agricultural, grazing, coal.
Routt	52, 788	1, 700	54, 488	Do.
Saguache	90, 190		90, 190	Mountainous, grazing.
San Miguel	264, 600	45, 740	310, 340	Mountainous, grazing, agricultural.
Summit	13, 680		13, 680	Grazing.
Teller	1, 520		1, 520	Mountainous, grazing, mineral.
Washington	1, 040		1, 040	Grazing, mineral.
Weld	2, 440		2, 440	Grazing, sandy.
Yuma	560		560	Do.
Total	5, 049, 330	979, 619	6, 028, 949	
Pueblo:				
Alamosa	46, 824		46, 824	Mountainous.
Archuleta	93, 533	9, 128	102, 661	Mountainous, grazing, mineral.
Baca	799		799	Agricultural, grazing.
Bent	3, 486		3, 486	Do.
Chaffee	1, 121		1, 121	Agricultural, grazing, mountainous.
Cheyenne	222		222	Agricultural, grazing.
Conejos	249, 756		249, 756	Agricultural, grazing, mountainous.
Crowley	930		930	Agricultural, grazing.
Custer	12, 220		12, 220	Mountainous, grazing.
Dolores	16, 860	6, 400	23, 260	Agricultural, grazing, mountainous.
Elbert	120		120	Agricultural, grazing.
El Paso	1, 926		1, 926	Mountainous, grazing.
Fremont	289, 113	24, 290	313, 403	Do.
Hinsdale		9, 900	9, 900	Mountainous, mineral.
Huerfano	52, 705		52, 705	Agricultural, grazing.
Kiowa	571		571	Do.
Kit Carson	343		343	Do.
La Plata	138, 163	14, 040	152, 203	Agricultural, grazing, mountainous.
Las Animas	38, 003		38, 003	Agricultural, grazing.
Lincoln	1, 316		1, 316	Do.
Montezuma	190, 237	31, 265	221, 502	Agricultural, grazing, mountainous.
Otero	1, 261		1, 261	Agricultural, grazing, sandy.
Prowers	873		873	Do.
Pueblo	13, 069		13, 069	Agricultural, grazing, mountainous.
Rio Grande	76, 187		76, 187	Mountainous, grazing.
Saguache	230, 820		230, 820	Do.
San Juan		46, 023	46, 023	Mountainous, grazing, mineral.
Teller	26, 687		26, 687	Do.
Total	1, 487, 145	141, 046	1, 628, 191	
State total	6, 536, 475	1, 120, 665	7, 657, 140	

Statement showing the unappropriated and unreserved lands by district and county, on July 1, 1931—Continued

FLORIDA

Land district and county	Area in acres			Character
	Surveyed	Unsurveyed	Total	
Gainesville:				
Baker	400		400	Low pine.
Bay	40		40	Do.
Bradford	80		80	Do.
Calhoun	266		266	Do.
Citrus	450		450	Do.
Clay	326		326	Do.
Collier	280	120	400	Low pine and swamp.
Columbia	166		166	Low pine.
De Soto	128		128	Low pine and swamp.
Dixie	324		324	Do.
Escambia	105		105	Do.
Flagler	120		120	Do.
Gadsden	127		127	Low pine.
Gilchrist	540		540	Low pine and swamp.
Glades	566		566	Do.
Gulf	25		25	Swamp.
Hamilton	182		182	Low pine and swamp.
Highlands	3,296		3,296	Do.
Holmes	271		271	Do.
Jackson	109		109	Do.
Jefferson	3		3	Low pine.
Lafayette	320		320	Low pine and swamp.
Lake	775		775	Do.
Lee	26		26	Swamp.
Leon	201		201	Low pine and swamp.
Levy	474		474	Do.
Liberty	635		635	Low pine.
Madison	208		208	Do.
Manatee	240		240	Low pine and swamp.
Marion	404		404	Do.
Nassau	77		77	Low pine.
Okaloosa	40		40	Do.
Okeechobee		3,060	3,060	Low pine and swamp.
Polk	400		400	Do.
Putnam	414		414	Do.
Santa Rosa	40		40	Low pine.
Sarasota	196		196	Low pine and swamp.
Seminole	40		40	Do.
Sumter	40		40	Do.
Suwannee	131		131	Do.
Taylor	1,760		1,760	Do.
Union	142		142	Do.
Volusia	440	2,720	3,160	Do.
Walton	80		80	Do.
Washington	920		920	Do.
Total	15,807	5,900	21,707	

IDAHO

Black Foot:				
Ada	250,280		250,280	Arid, mountainous, grazing.
Adams	25,760		25,760	Mountainous, timber, grazing.
Bannock	47,280		47,280	Grazing and mountainous.
Bear Lake	15,430		15,430	Do.
Bingham	244,680	24,120	268,800	Lava and dry farming.
Blaine	435,220	252,800	688,020	Mountainous and grazing.
Boise	79,380		79,380	Mountainous, timber, mineral, grazing.
Bonneville	10,640	33,909	44,549	Lava and dry farming.
Butte	584,782	165,540	750,322	Mountainous, grazing, and sagebrush.
Camas	72,890	4,480	77,370	Grazing and mountainous.
Canyon	17,660		17,660	Arid grazing.
Caribou	24,290	1,920	26,210	Grazing, mountainous.
Cassia	298,400	17,920	316,320	Mountainous, lava, and grazing.
Clark	224,240	31,760	256,000	Dry farming and sandy.
Custer	714,730	180,168	894,898	Mountainous and grazing.
Elmore	440,760	21,760	462,520	Lava and sagebrush lands.
Franklin	1,860		1,860	Grazing and mountainous.
Fremont	62,710		62,710	Dry farming and sandy.
Gem	44,960		44,960	Arid, grazing, mountainous.
Gooding	178,580	9,640	188,220	Grazing and partly mountainous.
Idaho	64,750	91,900	156,650	Arid, timber, grazing, mineral.

Statement showing the unappropriated and unreserved lands by district and county, on July 1, 1931—Continued

IDAHO—Continued

Land district and county	Area in acres			Character
	Surveyed	Unsurveyed	Total	
Black Foot—Contd.				
Jefferson	248, 880		248, 880	Dry farming and sandy.
Jerome	114, 460		114, 460	Lava and sagebrush plains.
Lemhi	420, 990	78, 217	499, 207	Mountainous and grazing.
Lincoln	304, 892	195, 840	500, 732	Lava, plains, and grazing.
Madison	4, 460		4, 460	Mountainous.
Minidoka	115, 830	101, 700	217, 530	Agricultural and sagebrush plains.
Oneida	142, 690		142, 690	Mountainous.
Owyhee	3, 488, 700	486, 818	3, 975, 518	Lava, grazing, and sagebrush.
Payette	47, 690		47, 690	Arid, mountainous, grazing.
Power	179, 850	39, 000	218, 850	Mountainous.
Teton	2, 440	8, 320	10, 760	Do.
Twin Falls	410, 280	21, 760	432, 040	Agricultural and sagebrush plains.
Valley	2, 680		2, 680	Arid, mountainous, mineral, timber.
Washington	137, 940		137, 940	Do.
Total	9, 461, 064	1, 767, 572	11, 228, 636	
Coeur d'Alene:				
Benewah	27, 678		27, 678	Timber, rough grazing.
Bonner	20, 479		20, 479	Do.
Boundary	5, 012		5, 012	Timber, brushy hillsides.
Clearwater	11, 773		11, 773	Grazing, timber, mining.
Idaho	35, 751	35, 280	71, 031	Do.
Kootenai	20, 097		20, 097	Do.
Latah	1, 600		1, 600	Do.
Lewis	5, 340		5, 340	Do.
Nez Perce	12, 746		12, 746	Do.
Shoshone	75, 135	6, 400	81, 535	Do.
Total	215, 611	41, 680	257, 291	
State total	9, 676, 675	1, 809, 252	11, 485, 927	

MINNESOTA

Land district and county	Surveyed	Unsurveyed	Total	Character
Cass Lake:				
Aitkin	691		691	Low, wet.
Beltrami	22, 564		22, 564	Generally swampy.
Bigstone	4		4	Low.
Carlton	280		280	Swampy.
Cass	1, 291		1, 291	Low, wet.
Clearwater	157		157	Rolling, swampy.
Douglas	1		1	Low.
Hubbard	2		2	Rough.
Itasca	2, 269		2, 269	Rough, swampy.
Kanabec	40		40	Swampy.
Koochiching	75, 851		75, 851	Sandy, swampy
Lake	945		945	Rocky, broken.
Lake of the Woods	73, 749		73, 749	Agricultural, swampy, timber.
Marshall	793		793	Swampy.
Morrison	40		40	Sandy.
Ottertail	4		4	Swampy.
Pine	240		240	Low, sandy.
Polk	84		84	Low, wet.
Red Lake	103		103	Swampy.
Roseau	11, 155		11, 155	Swampy, partly drained.
St. Louis	2, 671		2, 671	Swampy, agricultural.
Wadena	154		154	Low, wet.
Wright	2		2	Rolling.
Total	193, 090		193, 090	

Statement showing the unappropriated and unreserved lands by district and county, on July 1, 1931—Continued

MONTANA

Land district and county	Area in acres			Character
	Surveyed	Unsurveyed	Total	
Billings:				
Beaverhead	29, 291		29, 291	Rough, mountainous, grazing.
Big Horn	33, 465		33, 465	Farming, grazing, mountainous.
Broadwater	8, 883		8, 883	Rough, grazing, mountainous.
Carbon	199, 796	8, 600	208, 396	Do.
Carter	405, 941		405, 941	Farming, grazing.
Chouteau	17, 111		17, 111	Rough, grazing, mountainous.
Custer	199, 890		199, 890	Grazing, rough, farming.
Dawson	51, 768		51, 768	Do.
Fallon	39, 260		39, 260	Do.
Fergus	219, 775		219, 775	Do.
Gallatin	17, 641		17, 641	Grazing, mountainous.
Garfield	613, 989		613, 989	Grazing, rough, farming.
Golden Valley	10, 230		10, 230	Grazing, mountainous.
Jefferson	12, 601		12, 601	Do.
Judith Basin	5, 874		5, 874	Grazing, mountainous, farming.
McCone	96, 424		96, 424	Do.
Madison	34, 708		34, 708	Do.
Musselshell	22, 598		22, 598	Do.
Park	19, 534		19, 534	Mountainous.
Petroleum	205, 341		205, 341	Rough, grazing, farming.
Powder River	175, 909		175, 909	Rough, grazing.
Prairie	38, 884		38, 884	Do.
Richland	14, 721		14, 721	Rough, grazing, farming.
Rosebud	232, 648		232, 648	Do.
Stillwater	8, 092		8, 092	Mountainous, grazing.
Sweetgrass	14, 445		14, 445	Rough, grazing, farming.
Treasure	11, 919		11, 919	Do.
Wheatland	3, 077		3, 077	Do.
Wibaux	25, 228		25, 228	Do.
Yellowstone	9, 971		9, 971	Mountainous, rough, grazing.
Total	2, 779, 014	8, 600	2, 787, 614	
Great Falls:				
Beaverhead	415, 513	38, 720	454, 233	Grazing, hilly, mountainous.
Blaine	250, 303		250, 303	Agricultural, grazing, mountainous.
Broadwater	48, 250		48, 250	Grazing, hilly, mountainous.
Cascade	27, 172	960	28, 132	Agricultural, grazing, hilly.
Choteau	112, 008		112, 008	Do.
Daniels	7, 873		7, 873	Do.
Deer Lodge	15, 796	12, 420	28, 216	Grazing, mountainous.
Fergus	8, 561		8, 561	Do.
Flathead	14, 484		14, 484	Lightly timbered or burned over.
Gallatin	1, 520		1, 520	Grazing, mountainous.
Garfield	95, 009		95, 009	Agricultural, grazing.
Glacier	3, 428		3, 428	Agricultural, grazing, mountainous.
Granite	43, 266		43, 266	Grazing, mountainous.
Hill	20, 875		20, 875	Agricultural, grazing.
Jefferson	57, 438		57, 438	Grazing, mountainous.
Judith Basin	4, 714	1, 600	6, 314	Grazing, hilly.
Lake	3, 360		3, 360	Grazing, timbered, mountainous.
Lewis and Clark	71, 390		71, 390	Grazing, hilly, mountainous.
Liberty	13, 480		13, 480	Agricultural, grazing, hilly.
Lincoln	8, 857		8, 857	Lightly timbered, burned over.
Madison	173, 842		173, 842	Grazing, hilly, mountainous.
McCone	138, 499		138, 499	Agricultural, grazing.
Meagher	14, 492		14, 492	Grazing, hilly.
Mineral	4, 410		4, 410	Grazing, mountainous.
Missoula	35, 523	13, 160	48, 683	Do.
Park	1, 000		1, 000	Do.
Phillips	869, 356		869, 356	Agricultural, grazing.
Pondera	9, 303		9, 303	Do.
Powell	69, 078		69, 078	Grazing, mountainous.
Ravalli	12, 241	4, 640	16, 881	Do.
Richland	33, 277		33, 277	Agricultural, grazing.
Roosevelt	44, 094		44, 094	Do.
Sanders	20, 687	10, 880	31, 567	Grazing, mountainous.
Sheridan	12, 661		12, 661	Agricultural, grazing.
Silver Bow	45, 693		45, 693	Grazing, hilly, mountainous.
Teton	19, 441		19, 441	Grazing, hilly.
Toole	45, 923		45, 923	Agricultural, grazing.
Valley	766, 702		766, 702	Do.
Wheatland	519		519	Grazing, hilly.
Total	3, 540, 038	82, 380	3, 622, 418	
State total	6, 319, 052	90, 980	6, 410, 032	

Statement showing the unappropriated and unreserved lands by district and county, on July 1, 1931—Continued

NEBRASKA

Land district and county	Area in acres			Character
	Surveyed	Unsurveyed	Total	
Alliance:				
Arthur	173		173	Sandy, grazing.
Blaine	1,573		1,573	Do.
Boone	115		115	Do.
Box Butte	40		40	Rough, grazing.
Boyd	62		62	Overflowed.
Brown	3,178		3,178	Sandy, grazing.
Burt	429		429	Overflowed.
Cherry	3,755		3,755	Sandy, grazing.
Custer	24		24	Overflowed.
Dawes	429		429	Rough, grazing.
Dundy	81		81	Sandy, Rough.
Garden	320		320	Sandy, grazing.
Garfield	40		40	Grazing.
Grant	134		134	Rough, grazing.
Holt	798		798	Sandy, grazing.
Hooker	2,183		2,183	Do.
Keya Paha	39		39	Grazing.
Knox	413		413	Overflowed.
Lincoln	80		80	Grazing.
Logan	240		240	Sandy, grazing.
Loup	431		431	Do.
McPherson	922		922	Do.
Morrill	422		442	Do.
Red Willow	188		188	Rough, grazing.
Rock	520		520	Sandy, grazing.
Sheridan	40		40	Sand hill, grazing.
Sioux	1,100		1,100	Rough, grazing.
Thomas	2,917		2,917	Sandy, grazing.
Washington	99		99	Overflowed.
Wheeler	40		40	Sandy, grazing.
Total	20,805		20,805	

NEVADA

Land district and county	Surveyed	Unsurveyed	Total	Character
Carson City:				
Churchill	1,095,133	1,257,238	2,352,371	Mountainous, arid, grazing, little timber.
Clark	1,766,389	829,916	2,596,305	Do.
Douglas	114,468	4,402	118,870	Mountainous, arid, grazing.
Elko	6,078,329	1,059,430	7,137,759	Do.
Esmeralda	152,962	775,041	928,003	Mountainous.
Eureka	1,228,390	874,107	2,102,497	Do.
Humboldt	2,161,776	2,315,624	4,477,400	Do.
Lander	1,780,130	961,545	2,741,675	Do.
Lincoln	2,532,292	4,069,907	6,602,199	Do.
Lyon	340,181	196,248	536,429	Do.
Mineral	1,371,391	591,050	1,962,441	Mountainous, arid, grazing, little timber.
Nye	4,258,111	5,429,358	9,687,469	Mountainous, arid, grazing.
Ormsby	25,405	19,980	45,385	Mountainous, arid grazing, second-growth timber.
Pershing	1,878,337	777,221	2,655,558	Do.
Storey	93,454	1,272	94,726	Mountainous, arid grazing.
Washoe	2,101,244	450,682	2,551,926	Do.
White Pine	3,155,652	1,652,631	4,808,283	Mountainous, arid, grazing, second-growth timber.
Total	30,133,644	21,265,652	51,399,296	

Statement showing the unappropriated and unreserved lands by district and county, on July 1, 1931—Continued

NEW MEXICO

Land district and county	Area in acres			Character
	Surveyed	Unsurveyed	Total	
Las Cruces:				
Catron	247, 726		247, 726	Grazing, mountainous.
Chavez	825, 058	51, 809	876, 867	Agricultural, grazing.
Dona Ana	1, 336, 497	67, 540	1, 404, 037	Agricultural, arid.
Eddy	1, 075, 402	92, 160	1, 167, 562	Agricultural, grazing.
Grant	414, 785	66, 796	481, 581	Mountainous, mineral.
Hidalgo	755, 556	124, 160	879, 716	Mountainous, arid.
Lea	378, 698		378, 698	Grazing, agricultural.
Lincoln	375, 077	26, 493	401, 570	Grazing.
Luna	630, 290	206, 720	837, 010	Mountainous, grazing, agricultural.
Otero	1, 705, 880	207, 360	1, 913, 240	Grazing, arid.
Roosevelt	7, 410		7, 410	Grazing.
Sierra	612, 101	17, 042	629, 143	Mountainous, mineral.
Socorro	1, 447, 431	156, 545	1, 603, 976	Agricultural, grazing.
Torrance	3, 255		3, 255	Agricultural, mountainous.
Total	9, 815, 166	1, 016, 625	10, 831, 791	
Santa Fe:				
Bernalillo	24, 628	1, 119	25, 747	Grazing, agricultural.
Catron	249, 371	8, 000	257, 371	Mountainous, grazing.
Chaves	81, 167		81, 167	Grazing, agricultural.
Colfax	4, 086		4, 086	Do.
Curry	530		530	Do.
De Baca	25, 633	17, 041	42, 674	Do.
Guadalupe	61, 910		61, 910	Do.
Harding	5, 306		5, 306	Do.
Lincoln	110, 663		110, 663	Do.
McKinley	317, 422	60, 286	377, 708	Mountainous, grazing, coal.
Mora	7, 709		7, 709	Do.
Quay	32, 383		32, 383	Grazing.
Rio Arriba	417, 584		417, 584	Grazing, agricultural, coal.
Roosevelt	600		600	Grazing.
Sandoval	277, 566	21, 202	298, 768	Mountainous, grazing, coal.
San Juan	862, 289	28, 187	890, 476	Grazing, agricultural, coal.
San Miguel	56, 508		56, 508	Grazing, agricultural.
Santa Fe	72, 034	7, 958	79, 992	Mountainous, grazing, coal.
Socorro	95, 246	5, 600	100, 846	Do.
Taos	155, 416	2, 386	157, 802	Mountainous, grazing.
Torrance	36, 709		36, 709	Do.
Union	9, 692		9, 692	Do.
Valencia	479, 329	16, 644	495, 973	Do.
Total	3, 383, 781	168, 423	3, 552, 204	
State total	13, 198, 947	1, 185, 048	14, 383, 995	

NORTH DAKOTA

Bismarck:				
Benson	920		920	Grazing.
Billings	22, 900		22, 900	Do.
Bowman	25, 973		25, 973	Do.
Burke	298		298	Do.
Burleigh	1, 157		1, 157	Do.
Cavalier	390		390	Do.
Dickey	387		387	Do.
Divide	680		680	Do.
Dunn	9, 780		9, 780	Do.
Emmons	1, 486		1, 486	Do.
Golden Valley	4, 808		4, 808	Do.
Grand Forks	40		40	Do.
Grant	840		840	Do.
Kidder	845		845	Do.
Logan	769		769	Do.
McHenry	360		360	Do.
McIntosh	292		292	Do.
McKenzie	49, 220		49, 220	Do.
McLean	955		955	Do.
Mercer	382		382	Do.
Morton	559		559	Do.
Mountrail	1, 661		1, 661	Do.
Oliver	110		110	Do.

Statement showing the unappropriated and unreserved lands by district and county, on July 1, 1931—Continued

NORTH DAKOTA—Continued

Land district and county	Area in acres			Character
	Surveyed	Unsurveyed	Total	
Bismark—Continued.				
Pierce	2, 494	------------	2, 494	Grazing.
Renville	198	------------	198	Do.
Richland	76	------------	76	Do.
Sargent	480	------------	480	Do.
Sheridan	523	------------	523	Do.
Sioux	7, 882	------------	7, 882	Do.
Slope	6, 590	------------	6, 590	Do.
Stutsman	222	------------	222	Do.
Ward	96	------------	96	Do.
Williams	2, 976	------------	2, 976	Do.
Total	146, 349	------------	146, 349	

OREGON

Land district and county	Surveyed	Unsurveyed	Total	Character
Lakeview:				
Crook	36, 600	------------	36, 600	Grazing.
Deschutes	184, 155	------------	184, 155	Grazing, some timber.
Klamath	216, 867	8, 320	225, 187	Do.
Lake	2, 309, 547	------------	2, 309, 547	Do.
Total	2, 747, 169	8, 320	2, 755, 489	
Roseburg:				
Benton	25, 335	------------	25, 335	Timber, grazing, agricultural.
Clackamas	38, 824	------------	38, 824	Hilly, grazing, timber, agricultural.
Clatsop	1, 805	------------	1, 805	Hilly, grazing.
Columbia	5, 200	------------	5, 200	Hilly, grazing, agricultural.
Coos	42, 580	------------	42, 580	Timber, grazing.
Curry	43, 140	------------	43, 140	Mountainous, timber.
Douglas	175, 540	------------	175, 540	Mineral, grazing, timber.
Jackson	292, 877	------------	292, 877	Timber, grazing, fruit.
Josephine	172, 360	------------	172, 360	Timber, grazing, mineral.
Klamath	5, 600	------------	5, 600	Mountainous, timber.
Lane	64, 640	------------	64, 640	Timber, grazing, mineral.
Lincoln	33, 515	------------	33, 515	Broken, grazing.
Linn	13, 812	------------	13, 812	Hilly, grazing.
Marion	9, 550	------------	9, 550	Hilly, grazing, timber, agricultural.
Polk	5, 042	------------	5, 042	Do.
Tillamook	45, 770	------------	45, 770	Do.
Washington	2, 680	------------	2, 680	Do.
Yamhill	12, 367	------------	12, 367	Do.
Total	990, 637	------------	990, 637	
The Dalles:				
Baker	237, 060	------------	237, 060	All of the lands in this district are rough, hilly, mountainous, grazing lands.
Crook	342, 160	7, 800	349, 960	
Deschutes	123, 400	------------	123, 400	
Gilliam	13, 000	------------	13, 000	
Grant	145, 600	480	146, 080	
Jefferson	21, 780	------------	21, 780	
Harney	3, 869, 160	35, 791	3, 904, 951	
Malheur	4, 271, 040	28, 327	4, 299, 367	
Morrow	5, 040	------------	5, 040	
Sherman	9, 360	640	10, 000	
Umatilla	4, 160	8, 853	13, 013	
Union	2, 160	------------	2, 160	
Wallowa	7, 280	2, 200	9, 480	
Wasco	13, 240	------------	13, 240	
Wheeler	87, 600	------------	87, 600	
Total	9, 152, 040	84, 091	9, 236, 131	
State total	12, 889, 846	92, 411	12, 982, 257	

Statement showing the unappropriated and unreserved lands by district and county, on July 1, 1931—Continued

SOUTH DAKOTA

Land district and county	Area in acres			Character
	Surveyed	Unsurveyed	Total	
Pierre:				
Bennett	9, 200		9, 200	Rough, hilly, grazing.
Brule	600		600	Do.
Butte	74, 300		74, 300	Rolling, broken, grazing.
Campbell	280		280	Grazing, low, wet.
Charles Mix	200		200	Rough, grazing.
Clark	200		200	Under water, nontillable.
Corson	64, 926		64, 926	Agricultural, grazing.
Custer	13, 060		13, 060	Rough, broken, grazing.
Dewey	49, 750		49, 750	Agricultural, grazing.
Fall River	17, 800		17, 800	Rough, grazing.
Haakon	10, 800		10, 800	Do.
Harding	18, 160		18, 160	Agricultural, grazing.
Jackson	13, 693		13, 693	Mostly bad land, grazing.
Lawrence	3, 200		3, 200	Rough, grazing, some timber.
Meade	20, 313		20, 313	Rough, hilly, grazing.
Mellette	2, 680		2, 680	Do.
Pennington	70, 997		70, 997	Rolling, rough, grazing.
Potter	160		160	Rough, grazing.
Perkins	6, 952		6, 952	Agricultural, grazing.
Roberts	80		80	Low, wet, nontillable.
Stanley	19, 120		19, 120	Rough, hilly, grazing.
Sully	160		160	Rough, grazing.
Walworth	160		160	Do.
Ziebach	62, 540		62, 540	Agricultural, grazing.
Sioux (N. D.)	185		185	Do.
Total	459, 516		459, 516	
UTAH				
Salt Lake City:				
Beaver	820, 634	296, 705	1, 117, 339	Arid, rough, winter grazing.
Box Elder	714, 076	316, 780	1, 030, 856	Do.
Cache	7, 036		7, 036	Arid, rough, waste.
Carbon	199, 646	77, 784	277, 430	Arid, rough, mineral, waste.
Daggett	128, 740		128, 740	Rough, mountainous, suitable for grazing.
Davis	2, 522		2, 522	Arid, waste, winter grazing.
Duchesne	381, 648		381, 648	Rough, mountainous, mineral.
Emery	805, 258	809, 475	1, 614, 733	Do.
Garfield	595, 158	1, 373, 450	1, 968, 608	Mountainous, summer grazing.
Grand	1, 047, 688	752, 284	1, 799, 972	Mountainous, grazing, mineral.
Iron	750, 651	40, 760	791, 411	Rough, winter grazing, mineral.
Juab	578, 141	747, 480	1, 325, 621	Rough, winter grazing.
Kane	566, 396	1, 276, 560	1, 842, 956	Rough, mountain grazing.
Millard	1, 489, 712	1, 259, 845	2, 749, 557	Rough, winter grazing.
Morgan	7, 771		7, 771	Mountainous, summer grazing.
Piute	125, 574	10, 880	136, 454	Mountainous, spring grazing.
Rich	179, 598		179, 598	Mountainous, summer grazing.
Salt Lake	624		624	Arid, winter grazing.
San Juan	1, 040, 863	1, 520, 238	2, 561, 101	Rough, mountainous, mineral.
San Pete	125, 280		125, 280	Do.
Sevier	138, 982	59, 703	198, 685	Do.
Summit	6, 843		6, 843	Mountainous, summer grazing.
Tooele	1, 566, 634	1, 956, 916	3, 523, 550	Arid, winter grazing, mineral.
Uintah	1, 235, 529	172, 100	1, 407, 629	Rough, mountainous, suitable for grazing.
Utah	50, 667		50, 667	Rough, mountainous, grazing.
Wasatch	26, 526		26, 526	Mountainous, winter grazing, mineral.
Washington	514, 301	135, 122	649, 423	Rough, mountainous, grazing.
Wayne	413, 992	817, 280	1, 231, 272	Do.
Weber	13, 148		13, 148	Arid, winter grazing.
Total	13, 533, 638	11, 623, 362	25, 157, 000	

Statement showing the unappropriated and unreserved lands by district and county, on July 1, 1931—Continued

WASHINGTON

Land district and county	Area in acres			Character
	Surveyed	Unsurveyed	Total	
Spokane:				
Adams	9, 575		9, 575	Grazing, desert.
Asotin	8, 484		8, 484	Grazing, mountainous.
Benton	50, 714		50, 714	Arid, mountainous.
Chelan	31, 379		31, 379	Grazing, mountainous.
Clallam	2, 027		2, 027	Mountainous, rough.
Clark	1, 160		1, 160	Do.
Columbia	577		577	Grazing.
Cowlitz	2, 501		2, 501	Rough, broken, timbered.
Douglas	41, 159		41, 159	Rough, grazing.
Ferry	167, 780		167, 780	Mountainous, timber, grazing.
Franklin	14, 916		14, 916	Desert, grazing.
Garfield	1, 060		1, 060	Grazing, mountainous.
Grant	129, 711		129, 711	Arid, mountainous.
Jefferson	40		40	Rough.
King	2, 934		2, 934	Rough, mountainous.
Kitsap	75		75	Rough.
Kittitas	32, 543		32, 543	Arid, mountainous.
Klickitat	22, 531		22, 531	Grazing, rough, some timber.
Lewis	1, 160	80	1, 240	Rough, mountainous.
Lincoln	12, 721		12, 721	Arid, grazing.
Mason	512		512	Rough, broken.
Okanogan	175, 772		175, 772	Grazing, mountainous.
Pacific	38		38	Rough.
Pend Oreille	38, 701		38, 701	Mountainous, mineral, timber.
San Juan	1, 153		1, 153	Rough, broken.
Skagit	1, 679	270	1, 949	Rough, mountainous.
Skamania	2, 281		2, 281	Do.
Snohomish	130		130	Rough.
Spokane	474		474	Do.
Stevens	133, 996	6, 500	140, 496	Grazing, mineral, timber.
Wahkiakum	379		379	Rough.
Walla Walla	4, 410		4, 410	Grazing rough.
Whatcom	1, 562		1, 562	Mountainous, hilly.
Whitman	1, 424		1, 424	Rough, broken.
Yakima	27, 981		27, 981	Arid, grazing, rough.
Total	923, 539	6, 850	930, 389	

WYOMING

Land district and county	Surveyed	Unsurveyed	Total	Character
Buffalo:				
Big Horn	884, 116	15, 021	899, 137	Grazing, mountainous.
Campbell	201, 446		201, 446	Grazing, rough, farming.
Converse	1, 880		1, 880	Do.
Crook	72, 741	2, 403	75, 144	Grazing, rough, farming, timber.
Fremont	3, 400		3, 400	Do.
Hot Springs	95, 096		95, 096	Grazing, mountainous, agricultural.
Johnson	354, 824	82, 649	437, 473	Dry farming, rough, rolling.
Natrona	14, 755	7, 201	21, 956	Grazing, rolling, agricultural.
Niobrara	5, 042		5, 042	Do.
Sheridan	48, 430		48, 430	Grazing, mountainous, agricultural.
Washakie	593, 605	166, 945	760, 550	Grazing, mountainous.
Weston	67, 996		67, 996	Grazing, rolling, farming, timber.
Total	2, 343, 331	274, 219	2, 617, 550	

Statement showing the unappropriated and unreserved lands by district and county, on July 1, 1931—Continued

WYOMING—Continued

Land district and county	Area in acres			Character
	Surveyed	Unsurveyed	Total	
Cheyenne:				
Albany	416, 104		416, 104	Grazing, mountainous.
Big Horn	117, 924		117, 924	Grazing, mountainous, timber, agricultur
Carbon	1, 720, 244		1, 720, 244	Mountainous, some timber.
Converse	162, 622		162, 622	Grazing, dry farming, mountainous.
Fremont	1, 536, 655	9, 145	1, 545, 800	Grazing, mountainous, arid, timber.
Goshen	15, 280		15, 280	Broken, grazing, dry farming.
Hot Springs	282, 396	10, 600	292, 996	Mineral, grazing, farming, timber.
Laramie	9, 543		9, 543	Broken, grazing, dry farming.
Natrona	1, 096, 788	7, 723	1, 104, 511	Grazing, dry farming, mountainous.
Niobrara	80, 248		80, 248	Do.
Park	416, 754		416, 754	Stone, grazing, farming, timber, mining.
Platte	49, 202		49, 202	Broken, grazing, dry farming.
Sublette	56, 193		56, 193	Grazing, mountainous.
Sweetwater	571, 281		571, 281	Mountainous, grazing, alkaline plains.
Washakie	25, 139		25, 139	Broken, grazing, farming.
Total	6, 556, 373	27, 468	6, 583, 841	
Evanston:				
Lincoln	848, 444		848, 444	Grazing, mountainous.
Sublette	1, 137, 845		1, 137, 845	Do.
Sweetwater	3, 102, 985	243, 065	3, 346, 050	Grazing, mountainous, alkaline.
Teton	3, 080		3, 080	Grazing, mountainous, timber.
Uinta	402, 500		402, 500	Grazing, mountainous.
Fremont	317, 220		317, 220	Grazing, alkaline.
Total	5, 812, 074	243, 065	6, 055, 139	
State total	14, 711, 778	544, 752	15, 256, 530	

RECAPITULATION

States	Area, in acres		
	Surveyed	Unsurveyed	Total
Arizona	7, 489, 400	6, 877, 000	14, 366, 400
Arkansas	184, 170		184, 170
California	10, 833, 154	5, 213, 794	16, 046, 948
Colorado	6, 536, 475	1, 120, 665	7, 657, 140
Florida	15, 807	5, 900	21, 707
Idaho	9, 676, 675	1, 809, 252	11, 485, 927
Minnesota	193, 090		193, 090
Montana	6, 319, 052	90, 980	6, 410, 032
Nebraska	20, 805		20, 805
Nevada	30, 133, 644	21, 265, 652	51, 399, 296
New Mexico	13, 198, 947	1, 185, 048	14, 383, 995
North Dakota	146, 349		146, 349
Oregon	12, 889, 846	92, 411	12, 982, 257
South Dakota	459, 516		459, 516
Utah	13, 533, 638	11, 623, 362	25, 157, 000
Washington	923, 539	6, 850	930, 389
Wyoming	14, 711, 778	544, 752	15, 256, 530
Total	127, 265, 885	49, 835, 666	177, 101, 551
Territory of Alaska		346, 201, 925	[1] 346, 201, 925
Grand total	[1] 127, 265, 885	396, 037, 591	[1] 523, 303, 476

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[1] This total does not include areas remaining undisposed of in the States of Alabama, Kansas, Louisiana, Michigan, Mississippi, Oklahoma, and Wisconsin, or the area of the vacant and unreserved surveyed public lands in Alaska, which figures, for reasons explained on page 1 of this circular, are not available.

UNPERFECTED ENTRIES ON JULY 1, 1931

Statement showing number and area of entries of record upon which "final proof" of compliance with the law is not due or has not yet been presented [1]

State and land district	Number of entries	Area, in acres
Arizona: Phoenix	5, 093	1, 598, 426
Arkansas: Little Rock	1, 101	84, 850
California:		
Los Angeles	3, 664	815, 056
Sacramento	3, 092	894, 407
Colorado:		
Denver	4, 407	1, 484, 747
Pueblo	1, 901	646, 724
Florida: Gainesville	289	21, 098
Idaho:		
Blackfoot	6, 037	1, 801, 320
Coeur d'Alene	304	246, 407
Minnesota: Cass Lake	506	37, 481
Montana:		
Billings	5, 255	1, 845, 334
Great Falls	5, 094	1, 164, 887
Nebraska: Alliance	472	76, 936
Nevada: Carson City	1, 219	1, 183, 549
New Mexico:		
Las Cruces	4, 729	2, 531, 880
Santa Fe	6, 584	2, 417, 920
North Dakota: Bismarck	484	66, 753
Oregon:		
Lakeview	333	113, 220
Roseburg	1, 470	158, 390
The Dalles	1, 644	527, 640
South Dakota: Pierre	2, 943	856, 470
Utah: Salt Lake City	3, 128	1, 339, 091
Washington: Spokane	566	185, 191
Wyoming:		
Buffalo	2, 982	1, 565, 950
Cheyenne	5, 483	2, 321, 873
Evanston	588	255, 442
Total	69, 368	24, 241, 042

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[1] Such of these entries as may from time to time be canceled of record for failure to submit final proof or for failure to comply with the law will be open to entry by the first qualified applicant, if not withdrawn or reserved.

U. S. GOVERNMENT PRINTING OFFICE: 1931

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Circular No. 1261.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

1426992 "C" AJM

October 28, 1931.

Rule 7, Circular of April 24,
1907 (35 L. D. 681-2), amended.

Registers,

United States Land Offices.

Sirs:

Rule 7 of the Circular of April 24, 1907 (35 L. D. 681-2), amended October 30, 1913 (42 L. D. 474), Circular No. 276, is hereby amended so as to read:

> When copy of notice is returned with endorsement not protesting the validity of the entry, the Register will act upon the merits of the proof as submitted.
>
> Where returned notice by Chief of Field Division or other officer protests the validity of the entry, the Register will nevertheless promptly examine the proof and if found defective on its face take action thereon. At the same time he advises the claimant of the adverse action taken he will inform him that the Chief of Field Division (or other officer) has requested that final certificate be withheld until field investigation has been made and report submitted; that if the defect is not cured, or an appeal filed, within the time allowed the proof will be rejected and the case closed; and that if the defect is cured further action must await the report of the Chief of Field Division. Where the proof is sufficient on its face the Register will forward all papers to this office without action and advise entryman that action is being withheld pending field investigation, using Form 4-190. The Chief of Field Division is to be advised of all action taken by the Register and by the claiment and furnished with copy of the proof submitted, together with copy of requirements by the Register and of any additional showing made by the entryman.
>
> In mineral applications for patent, if the proof is found regular, certificate should issue even though a protest may have been filed but the claimant should be advised that patent will be withheld by the General Land Office pending a report by the Chief of Field Division upon the bona fides of the claim.

Very respectfully,

THOS. C. HAVELL,

Acting Commissioner.

Approved: October 28, 1931.

JOHN H. EDWARDS,

Assistant Secretary.

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Circular No. 1263.

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UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

REGULATIONS GOVERNING THE GRAZING OF LANDS IN THE MIZPAH-PUMPKIN CREEK GRAZING DISTRICT, MONTANA.

January 4, 1932.

Mr. W. S. Wade,
Chief of Field Division, G. L. O.,
Helena, Montana.

Sir:

An act of Congress approved March 29, 1928 (45 Stat. 380), provides:

> "That the Secretary of the Interior is hereby authorized to enter into a cooperative agreement or agreements with the State of Montana and private owners of such lands in townships 4 north of ranges 50 and 51 east; 5 north of ranges 49, 50, and 51 east; and 6 north of ranges 49, 50, and 51 east, Montana principal meridian, as lie between Mizpah and Pumpkin Creeks, in the State of Montana, whereby such lands and lands within the same area belonging to the United States may be jointly leased for a period of not to exceed ten years to stockmen owning lands within or adjacent to the said area, under such rules and regulations as the Secretary of the Interior may prescribe; and to enter into such an agreement and issue such a lease to a regularly organized association of such stockmen as will fulfill the purposes of this act: Provided, That the lands of the United States within the said area shall be withdrawn from all forms of homestead entry during the period of said lease but shall remain subject to the mineral land laws of the United States: And provided further, That any lease issued under the provisions of this act shall be for grazing and range development purposes only:" * * *

An association of the stockmen within the area known as the Mizpah-Pumpkin Creek Grazing Association has been duly organized for the grazing of the above-mentioned Government lands and lands leased or otherwise controlled by said association within the area specified by the act.

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For the Government-owned lands within the area there will be a minimum annual rental to be paid by the association to the Government through the Register of the land office of the district in which the lands are situated of $20 per 640 acres, the rental for fractional and partial sections to be pro rated on that basis. = .031 per Acre

The association shall have direct charge of the administration of the Government lands above mentioned and of the other lands leased or otherwise controlled by it within the area specified by the act with authority to issue grazing permits and to perform all acts necessary to proper range control, subject however, to supervisory authority of the Secretary of the Interior and his representatives, which supervisory authority extends to the other lands leased or otherwise controlled by the association within the area specified by the act as well as the Government lands.

Any controverted matter relating to the operation or administration of the district shall be presented to the Chief of Field Division, General Land Office, Helena, Montana, for his decision. Appeal from his decision will lie to the Commissioner of the General Land Office and to the Secretary of the Interior.

Permits for grazing will be issued to stockmen owning lands within or adjacent to the area described in the above-mentioned act of Congress. When there is any surplus range, temporary permits may be issued for increased use by regular permittees and special use permits may be issued authorizing stock to be driven across the reserve.

The violation of the conditions of a permit will be sufficient cause for the cancellation of same.

A notice of the cancellation of a permit will also contain a notice to remove stock from the leased area and failure to comply with such notice will subject the permittee to prosecution as a trespasser.

Portions of the lands included in the district may be temporarily closed to grazing whenever, because of incorrect handling of the stock, overgrazing, fire, or other cause, such action is necessary to restore the range to its normal condition.

The Secretary of the Interior may prescribe the maximum number of stock which may be grazed on the lands within the district with the right to reduce the maximum number of stock to be grazed whenever permanent damage to the range is liable to result, and to increase the number whenever it is possible to do so without injury to the range. The association will be given opportunity to submit its recommendation before action under this paragraph.

To preserve the public health, the carcasses of all animals which die of contagious or infectious diseases must be burned, and if death of any animal occurs in or near any water, the carcass must be removed and buried or burned.

Likewise débris of any kind must not be left in any exposed or unsanitary condition or deposited in or near any stream or body of water in a manner which may directly or indirectly cause pollution of said water.

Any person utilizing the forage of any of the lands within the district without permission of the association will be subject to prosecution under both the civil and criminal statutes of the State of Montana and/or under Section 10, Title 18, United States Code (Criminal Code, section 56).

The lands within the area belonging to the United States shall at all times be open to the prospecting for and extraction of minerals under the applicable mineral land laws.

In order fully to carry out the purpose and intent of the act, it is hereby declared to be the policy of the Interior Department to encourage the development of the native vegetative growth to the utmost practical limit obtainable by range management. To this end there will be made available to the association the services of the Geological Survey in evaluating the forage resources of the area.

All conditions contained in the lease issued to the association by the Government but not otherwise mentioned in these regulations will be considered as a part hereof.

The attached form of lease is hereby approved. You will submit same to the Mizpah-Pumpkin Creek Grazing Association with request that said association execute same in quadruplicate through its proper officer or officers so empowered to act for the association. The officer or officers executing said lease in behalf of the association must present evidence of his or their authority so to do. After same has been properly executed in behalf of the said association it should be returned to this office by you to be submitted for the approval of the Assistant Secretary of the Interior.

Very respectfully,

C. C. MOORE,

Commissioner.

Approved: January 4, 1932.

JOHN H. EDWARDS,

Assistant Secretary

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UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office

LEASE OF LANDS FOR GRAZING LIVESTOCK

Act of March 29, 1928 (45 Stat. 380)
(To be Executed in Quadruplicate.)

This indenture of lease, entered into as of   by and between the United States of America, party of the first part, hereinafter called the lessor, acting in this behalf by the Assistant Secretary of the Interior, and the Mizpah-Pumpkin Creek Grazing Association, party of the second part, hereinafter called the lessee, under, pursuant, and subject to the terms and provisions of the act of Congress approved March 29, 1928 (45 Stat. 380), entitled: "An act authorizing the Secretary of the Interior to enter into cooperative agreement or agreements with the State of Montana and private owners of lands within the State of Montana for grazing and range development, and for other purposes," hereinafter referred to as the act, which is made a part hereof.
WITNESSETH:

1. That the lessor, in consideration of payments to be made and the covenants to be observed as herein set forth, does hereby grant and lease to the lessee, for a period of ten (10) years for the purpose of grazing livestock thereon and for no other purposes, the following-described lands:

Lots 1, 2, 3, 4, S½N½, SW¼ sec. 4, W½ sec. 10, all of secs. 14 and 26, T. 6 N., R. 49 E.; lots 9, 10, 11, 12, S½ sec. 2, lots 1, 2, 3, 4, 6, 7, 8, 9, 10, N½SE¼, SE¼SE¼ sec. 4, E½ sec. 10, all sec. 12, S½ sec. 14, N½ sec. 22, all secs. 24 and 28, SE¼NE¼, SE¼ sec. 32, all sec. 34, T. 4 N., R. 50 E.; all sec. 2, lot 4, SW½NW¼, SW¼, S½SE¼ sec. 4, all secs. 6 and 8, W½ sec. 10, E½E½ sec. 12, S½SW¼ sec. 14, lots 1, 2, E½NW¼, E½ sec. 18, N½ sec. 22, all sec. 24, N½N½, S½S½ sec. 28, lot 1, NE¼NW¼, N½NE¼ sec. 30, E½ sec. 32, all sec. 34, T. 5 N., R. 50 E.; NW¼SE¼, S½SE¼, SW¼ sec. 28, all secs. 30 and 34, T. 6 N., R. 50 E.; lot 4, sec. 4, lots 3, 4, 5, 6, sec. 6, all secs. 8 and 10, SW¼SW¼ sec. 12, lots 1, 2, 3, 4, E½W½, E½E½ sec. 18, all secs. 20, 22, 30, and 32, lots 1, 2, 3, 4, NW¼SE¼, N½SW¼, NW¼ sec. 34, T. 4 N., R. 51 E.; lots 2, 3, 4, S½N½, SE¼ sec. 2, lots 1, 2, 3, 4, SE¼ sec. 4, all secs. 6, 8, and 10, S½ sec. 20, all secs. 28, 30, and 32, lots 4, 5, 6, 10, 11, 12, W½NW¼ sec. 34, T. 5 N., R. 51 E.; lots 1, 2, 3, 4, E½W½, NE¼ sec. 30, SE¼NE¼, S½W¼, S½ sec. 32, T. 6 N., R. 51 E., P. M., Montana, containing approximately 25,124.85 acres,
together with the right to construct and maintain thereon all improvements necessary to the full enjoyment thereof.

2. In consideration of the foregoing, the lessee hereby agrees:

(a) To pay the lessor a yearly rental of $785 for the first three years of the lease and at the end of that period the rental may be adjusted to such an amount as is deemed equitable. Said yearly rental to be paid through the Register of the United States land office of the district in which the lands are situated, in two equal installments, the first installment to be paid not later than March first each year and the second not later than November first each year.

(b) To issue grazing permits to stockmen owning lands within or adjacent to the area described in the act.

(c) That the lessor has the right to close portions of the district to grazing whenever, because of incorrect handling of the stock, over-grazing, fire, or other cause, such action is deemed necessary to restore the range to its normal condition.

(d) That the regulations issued by the Secretary of the Interior under the above-mentioned act shall apply to and extend over all the lands now or hereafter leased or otherwise controlled by the lessee within the area described in the act.

3. The lessor expressly reserves:

The right to permit prospecting, locating, development, entering and leasing of the mineral resources of the lands above described and to dispose of such resources under any laws applicable thereto.

4. It is further understood and agreed:

(a) That the lessee expressly agrees that authorized representatives of the Department of the Interior at any time shall have the right to enter the premises hereby affected for the purpose of inspection, and that Federal agents, including game wardens, shall at all times have the right to enter the Government-owned area on official business.

(b) That the lessee may construct, or maintain and utilize, any fence, building, corral, reservoir, well, or other improvements needed for the exercise of the grazing privileges of this lease, but any such fence shall be so constructed as to permit ingress and egress for miners, prospectors for minerals, and other persons entitled to enter the Government-owned area for lawful purposes.

(c) That the lessee shall take all reasonable precaution to prevent and suppress forest, brush, and grass fires.

(d) That upon the termination of this lease by expiration or forfeiture thereof pursuant to paragraph 5 hereof, in the absence of an agreement to the contrary, if all rental charges due the Government have been paid, the lessee may remove all property belonging to it, together with any fence, building, or other removable range improvements of any kind owned or controlled by it.

(e) That the lessee agrees to comply with all Federal and local laws regarding sanitation and such other sanitary measures as may be necessary.

(f) That the lessee agrees to permit legal hunting and trapping by the public on the Government-owned lands above described.

5. If the lessee shall fail to pay the rental as herein specified, or shall fail to comply with the provisions of the act, or shall make default in the performance or observance of any of the terms, covenants, and stipulations hereof or of the general regulations promulgated and in force at the date hereof, and such default shall continue after service of written notice thereof by the lessor, then the lessor may, in his discretion, terminate and cancel this lease.

6. If the lessee shall surrender its lease and if it has complied with the terms and conditions of the lease to the time of surrender, its liability for fees thereunder may be avoided by giving written notice to the Secretary of the Interior not less than 90 days nor more than one year before the surrender of such lease.

IN WITNESS WHEREOF:

THE UNITED STATES OF AMERICA,

By ______________________________
(Assistant Secretary of the Interior, Lessor.)

____

____
(Lessee)

Witness to signature of lessee:

____

____

____

CIRCULAR No. 1264

INFORMATION FOR PROSPECTIVE HOMESTEADERS

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, March 3, 1932.

1. *Purpose of this circular.*—The information given below has been prepared to furnish persons making inquiries relative to the homestead laws and regulations, briefly, the most important requirements thereof.

2. *Examination of lands.*—Prospective homesteaders should first fully inform themselves as to the character and quality of the lands they desire to enter. Each applicant is required to swear that he is well acquainted with the character of the land described in his application.

3. *Status of lands.*—Information as to whether a particular tract of land is subject to entry may be obtained from the register of the land district in which the tract is located. The location of the district land offices and the prices of plats and diagrams showing the vacant lands are set forth in the vacant land circular of this office.

4. *Kind of land subject to homestead entry.*—All unappropriated surveyed public lands adaptable to any agricultural use are subject to homestead entry if they are not mineral or saline in character, are not occupied for the purposes of trade or business, and have not been embraced within the limits of any withdrawal, reservation, or incorporated town or city.

5. *Initiation of claims.*—Claims under homestead laws may be initiated by settlement or entry on surveyed lands of the kind mentioned in the foregoing paragraph or by settlement on unsurveyed lands of such character.

Under the law relating to ordinary homesteads, an entry is limited to 160 acres, but this area may sometimes be slightly exceeded where the tract is made up of irregular subdivisions.

6. *Settlement and entry.*—Settlement is initiated through the personal act of the settler placing improvements upon the land or establishing residence thereon; he thus gains the right to make entry for the land as against other persons.

Entry should be made within three months after settlement upon surveyed lands or within that time after the filing in the district land office of the plat of survey of lands unsurveyed when settlement was made. Otherwise, the preference right of entry may be lost.

7. *Absences by settlers.*—A settler is entitled to one or two leaves of absence during each residence year, aggregating not more than five months in each year, after establishment of residence, subject to the conditions governing such leaves by homestead entrymen.

NOTE.—The instructions contained herein relate to original homestead entries. Persons who have heretofore made homestead entries and who desire to make second or additional entries may obtain information as to their further rights, if any, under the homestead laws, by addressing this office and identifying their former entries.

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8. *Qualifications required.*—A homestead entryman must be 21 years of age or the head of a family, a citizen of the United States, or have declared his intention to become such citizen, and not the owner of more than 160 acres of land in the United States. One who has acquired title to or is claiming under any of the agricultural public land laws, through settlement or entry made since August 30, 1890, any other lands which with the lands last applied for would amount to more than 320 acres in the aggregate is not qualified to make homestead entry. A married woman is not qualified to make such entry, except as hereinafter explained.

9. *Married woman.*—A married woman who has all of the other qualifications of a homesteader may make a homestead entry if she has been actually deserted by her husband or if he is incapacitated by disease or otherwise from earning a support for his family and she is really the head and main support thereof.

10. *Widow.*—A widow, if otherwise qualified, may make a homestead entry notwithstanding the fact that her husband made an entry.

11. *Homestead applications.*—A homestead entry may be made by the presentation to the land office for the district in which the desired lands are situated of an application which must be executed on the proper form, which will be furnished by the district land office on request. The application must be sworn to before either the register or acting register, or before a United States commissioner, a notary public, a judge or clerk or prothonotary of a court of record, or the deputy of such clerk or prothonotary or before a magistrate, authorized by the laws of or pertaining to any State, to administer oaths, in the county, parish, or land district in which the land lies, or before any officer of the classes named who resides nearest or most accessible to the land although he may reside outside the county and land district in which the land is situated. If the application is executed outside of both the county and land district the applicant must show by affidavit satisfactory to the Commissioner of the General Land Office that the officer before whom it was executed was because of topographic or geographic conditions nearer or more accessible to the land. An application is not acceptable if executed more than 10 days before its deposit in the mails for filing in the district land office.

12. *Widow, heirs, or devisees of claimant.*—If a homestead settler dies without having filed application for entry, the right to enter the land covered by his settlement passes to his widow. If there be no widow, said right passes to his heirs or devisees.

If a homestead entryman dies without having submitted final proof, his rights under the entry pass to his widow, or, if there be none and the children, if any, are not all minors, then to his heirs or devisees. However, if all the heirs be minor children of the entryman or entrywoman, and their other parent be dead, the entry is not subject to devise. In such a case the right to a patent vests in the children, subject to compliance with certain requirements.

13. *Residence.*—Except where otherwise provided by law, a homestead entryman must establish residence upon the tract entered within six months after date of the entry, unless an extension of time is allowed, and must maintain residence there for a period of three years.

14. *Absences.*—During each year, beginning with the date of establishment of actual residence, the entryman may absent himself from the land for not more than two periods, aggregating as much as five months. In order to be entitled to such absences, the entryman need not file application therefor, but must each time he leaves the land file at the local land office (by mail or other-

wise) notice of the time of leaving; and upon his return to the land he must notify said office of the date thereof.

15. *Cultivation.*—Cultivation of the land for a period of at least two years is required, and this must generally consist of actual breaking of the soil, followed by planting, sowing of seed, and tillage for a crop other than native grasses. However, tilling of the land, or other appropriate treatment, for the purpose of conserving the moisture with a view of making a profitable crop the succeeding year will be deemed cultivation within the terms of the act (without sowing of seed) where that manner of cultivation is necessary or generally followed in the locality.

During the second year not less than one-sixteenth of the area entered must be actually cultivated, and during the third year, and until final proof, cultivation of not less than one-eighth must be had. These requirements are the same as to homesteads under the general law and under the enlarged homestead acts, and the years in question begin to run, not from the establishment of residence, but from the date of the entry.

16. *Reduction of required area of cultivation.*—The Secretary of the Interior is authorized to reduce the requirements as to cultivation. This may be done in certain cases where the cultivation of the required amounts is not practicable.

A reduction may be allowed also if the entryman, after making entry and establishing residence, has met with misfortune which renders him reasonably unable to cultivate the prescribed area.

No reduction in area of cultivation will be permitted on account of expense in removing the standing timber from the land. Nor will a reduction in the area of cultivation based on the physical conditions of the land be permitted if, at the date of the application to enter, the land was designated and subject to entry under the stock raising act.

Application for reduction must be filed in the district land office on the prescribed form.

17. *Habitable house.*—The homestead entryman must have a habitable house upon the land entered, at the time of submitting proof.

18. *Completion of entry by widow, heirs, or devisees.*—Persons succeeding as widow, heirs, or devisees to the rights of a homestead entryman are not required to reside upon the land covered by the entry, but they must cultivate it as required by law for such period as will, added to the entryman's period of compliance with the law, aggregate the required term. They must in all cases shown at the time of proof that they are citizens of the United States. An entry may not be completed by the widow, heirs, or devisee of a homestead entryman unless he himself had complied with the law in all respects to the date of his death.

19. *Office holders.*—Persons appointed or elected to public office and civil-service employees are not entitled to any special privileges in connection with their homestead claims.

20. *Extension of time to establish residence.*—Where, for climatic reasons, or on account of sickness, or other unavoidable cause, residence can not be established on the land within six months after the date of the entry, additional time, not exceeding six months, may be allowed. Application for such extension must be made in affidavit form, corroborated by the affidavits of two persons acquainted with the facts.

21. *Leave of absence.*—Leave of absence for one year or less may be granted by the register of the district land office to entrymen who have established actual residence on the lands in cases where total or partial failure or destruc-

tion of crops, sickness, or other unavoidable casualty has prevented the entryman from supporting himself and those dependent on him by cultivation of the land. Application for such leave of absence must be made on the prescribed form.

22. *Change in residence requirements.*—The register may grant to such homesteaders as make proper showing that the climatic conditions make residence on the homestead for 7 months in each year a hardship, a reduction in the terms of residence to 6 months in each year over a period of 4 years, or to 5 months in each year over a period of 5 years.

23. *Commutation proofs.*—In order to make satisfactory commutation proof, where authorized, the entryman, or his statutory successor, must, as a general thing, show substantially continuous residence upon the land for 14 months, maintained until the submission of the proof or filing of notice of intention to submit same, the existence of a habitable house upon the claim and cultivation of not less than one-sixteenth of its acreage.

A person submitting commutation proof must, in addition to certain fees, pay the price of the land; this is ordinarily $1.25 per acre, but is more in certain cases.

24. *Submission of proof.*—Either final or commutation proof may be made at any time when it can be shown that there is a habitable house upon the land, that the required residence and cultivation have been had and that claimant is a citizen of the United States. Proof must be submitted within five years from date of entry. When a claimant is ready to submit proof he will be given full instructions as to the procedure which must be followed.

25. *Fees and commissions.*—When a homesteader applies to make entry he must pay in cash to the register a fee of $5 if his entry is for less than 81 acres, or $10 if he enters 81 acres or more. And in addition to this fee he must pay, both at the time he makes entry and final proof, a commission of $1 for each 40-acre tract entered outside of the limits of a railroad grant and $2 for each 40-acre tract entered within such limits. Generally, where an entry is commuted no commissions are payable. On all final proofs the register is entitled to receive 15 cents for each 100 words reduced to writing.

Where lands are entered under the homestead laws in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, the commissions due and the testimony fees under final proofs are 50 per cent more than those above specified.

26. *Alienation of land.*—The alienation of all or any part of the land embraced in a homestead prior to making proof, except for certain public purposes will prevent the entryman from making satisfactory proof.

27. *Mortgage.*—A mortgage by the entryman prior to final proof for the purpose of securing money for improvements, or for any other purpose not inconsistent with good faith, is not considered such an alienation of the land as will prevent him from submitting satisfactory proof.

28. *Relinquishments.*—No person obtains any right to the land by the purchase of a relinquishment. Upon the filing of a relinquishment in the district land office the land, in the absence of a withdrawal, becomes subject to settlement and entry by the first qualified applicant.

29. *Enlarged homesteads.*—The law provides for the making of homestead entries for areas of not exceeding 320 acres of public land in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, designated by the Secretary of the Interior as nonmineral, nontimbered, nonirrigable. In Idaho the land must be arid.

Where the land desired has not been designated under the enlarged homestead law, an applicant, may file an application for entry under such law, accompanied by a petition for the designation of the land. He thus secures a preference right of entry if the land be thereafter designated.

Applications to make an enlarged entry must be submitted on the proper form and must be executed before an officer authorized to administer oaths in homestead cases. The entry may be completed by showing residence and cultivation, in like manner as in ordinary homestead cases, and that there is a habitable house on the land. Such an entry is not subject to commutation.

30. *Stock-raising homesteads.*—The act of December 29, 1916 (39 Stat. 862), provides that the Secretary of the Interior may designate unappropriated, unreserved public lands as "stock-raising lands," where the surface thereof is, in his opinion, chiefly valuable for grazing and raising forage crops, provided they do not contain merchantable timber, are not susceptible of irrigation from any known source of water supply, are of such character that 640 acres are reasonably required for the support of a family, and contain no water holes or other bodies of water needed or used by the public for watering purposes. Where lands are thus designated, entry may be made for not exceeding 640 acres.

An entryman under this law is required to comply with the provisions of the general law with respect to residence and the erection of a habitable house. No specific amount of cultivation is required, but it must be shown, on submission of proof, that the entryman has made permanent improvements upon the tract tending to increase its value for stock-raising purposes, of the value of not less than $1.25 per acre, half of which improvements must be placed there within three years after entry; also that the land has been used for three years for raising stock and forage crops.

Applications to enter accompanied by petition for designation may be filed where the land has not been designated.

31. *Reservation of minerals.*—Where an entry is made under the general or enlarged homestead law, the United States does not reserve the minerals in the land so entered, except in certain cases where the land is withdrawn for mineral classification, classified as mineral, known to contain valuable mineral, or is embraced in a mineral prospecting permit or lease prior to the submission of satisfactory final proof. When an entry is made under the stock-raising homestead law, the United States reserves all mineral in the land so entered, together with the right to prospect for, mine, and remove the same.

32. *Soldiers' and sailors' homestead rights.*—Any officer, soldier, seaman, or marine who served for not less than 90 days in the Army or Navy of the United States during the Civil War, the Spanish-American War, the Philippine insurrection, the Mexican border operations, or the war with Germany, or any person who rendered 30 days' or more military service in the Indian wars from January 1, 1817, to December 31, 1898, and who was honorably discharged and who makes a homestead entry, is entitled to have the term of his service in the Army or Navy, not exceeding two years, deducted from the three years' residence required under the homestead laws.

A soldier or sailor of the classes above mentioned who makes entry as such must begin his residence and cultivation of the land entered by him within six months from the date of filing his declaratory statement, but if he makes entry without filing a declaratory statement he must begin his residence within six months after the date of the entry. Thereafter he must continue both residence and cultivation for such period as will, when added to the time of his military or naval service (under enlistment or enlistments covering war periods), amount to three years; but if he was discharged on account of wounds or disabilities incurred in the line of duty, or honorably discharged but subsequently awarded compensation by the Government for wounds received or disabilities incurred in line of duty, credit for the whole term of his enlistment may be allowed, notwithstanding he may not have served 90 days. However, no patent will issue to such soldier or sailor until there has been residence by him for at least one year.

Where the entry is made under the stock-raising provisions of the homestead law, the soldier must, in addition to other requirements, make the improvements on the land required of other persons.

33. *Soldiers' and sailors' preference rights.*—On the opening of public or Indian lands to entry or the restoration to entry of public lands theretofore withdrawn from entry, officers, soldiers, sailors, or marines who have served in the Army or Navy of the United States in any war, military occupation, or militory expedition, and have been honorably separated or discharged therefrom or placed in the Regular Army or Naval Reserve are accorded a preferred right of entry under the homestead laws, if qualified thereunder, except as against prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation, for a period of not less than 90 days before the general opening of such lands to disposal.

34. *Other rights of war veterans and their widows and minor orphan children.*—Information relative to the other rights and privileges accorded persons of the classes named, in connection with the homestead laws, will be sent to any person interested, on request.

35. *Where there is no district land office.*—In the public-land States having no district land office, all business relating to the entry of lands is conducted by this office.

THOS. C. HAVELL,
Acting Commissioner.

U. S. GOVERNMENT PRINTING OFFICE: 1932

CIRCULAR No. 1264

INFORMATION FOR PROSPECTIVE HOMESTEADERS

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, March 3, 1932.

1. *Purpose of this circular.*—The information given below has been prepared to furnish persons making inquiries relative to the homestead laws and regulations, briefly, the most important requirements thereof.

2. *Examination of lands.*—Prospective homesteaders should first fully inform themselves as to the character and quality of the lands they desire to enter. Each applicant is required to swear that he is well acquainted with the character of the land described in his application.

3. *Status of lands.*—Information as to whether a particular tract of land is subject to entry may be obtained from the register of the land district in which the tract is located. The location of the district land offices and the prices of plats and diagrams showing the vacant lands are set forth in the vacant land circular of this office.

4. *Kind of land subject to homestead entry.*—All unappropriated surveyed public lands adaptable to any agricultural use are subject to homestead entry if they are not mineral or saline in character, are not occupied for the purposes of trade or business, and have not been embraced within the limits of any withdrawal, reservation, or incorporated town or city.

5. *Initiation of claims.*—Claims under homestead laws may be initiated by settlement or entry on surveyed lands of the kind mentioned in the foregoing paragraph or by settlement on unsurveyed lands of such character.

Under the law relating to ordinary homesteads, an entry is limited to 160 acres, but this area may sometimes be slightly exceeded where the tract is made up of irregular subdivisions.

6. *Settlement and entry.*—Settlement is initiated through the personal act of the settler placing improvements upon the land or establishing residence thereon; he thus gains the right to make entry for the land as against other persons.

Entry should be made within three months after settlement upon surveyed lands or within that time after the filing in the district land office of the plat of survey of lands unsurveyed when settlement was made. Otherwise, the preference right of entry may be lost.

7. *Absences by settlers.*—A settler is entitled to one or two leaves of absence during each residence year, aggregating not more than five months in each year, after establishment of residence, subject to the conditions governing such leaves by homestead entrymen.

NOTE.—The instructions contained herein relate to original homestead entries. Persons who have heretofore made homestead entries and who desire to make second or additional entries may obtain information as to their further rights, if any, under the homestead laws, by addressing this office and identifying their former entries.

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8. *Qualifications required.*—A homestead entryman must be 21 years of age or the head of a family, a citizen of the United States, or have declared his intention to become such citizen, and not the owner of more than 160 acres of land in the United States. One who has acquired title to or is claiming under any of the agricultural public land laws, through settlement or entry made since August 30, 1890, any other lands which with the lands last applied for would amount to more than 320 acres in the aggregate is not qualified to make homestead entry. A married woman is not qualified to make such entry, except as hereinafter explained.

9. *Married woman.*—A married woman who has all of the other qualifications of a homesteader may make a homestead entry if she has been actually deserted by her husband or if he is incapacitated by disease or otherwise from earning a support for his family and she is really the head and main support thereof.

10. *Widow.*—A widow, if otherwise qualified, may make a homestead entry notwithstanding the fact that her husband made an entry.

11. *Homestead applications.*—A homestead entry may be made by the presentation to the land office for the district in which the desired lands are situated of an application which must be executed on the proper form, which will be furnished by the district land office on request. The application must be sworn to before either the register or acting register, or before a United States commissioner, a notary public, a judge or clerk or prothonotary of a court of record, or the deputy of such clerk or prothonotary or before a magistrate, authorized by the laws of or pertaining to any State, to administer oaths, in the county, parish, or land district in which the land lies, or before any officer of the classes named who resides nearest or most accessible to the land although he may reside outside the county and land district in which the land is situated. If the application is executed outside of both the county and land district the applicant must show by affidavit satisfactory to the Commissioner of the General Land Office that the officer before whom it was executed was because of topographic or geographic conditions nearer or more accessible to the land. An application is not acceptable if executed more than 10 days before its deposit in the mails for filing in the district land office.

12. *Widow, heirs, or devisees of claimant.*—If a homestead settler dies without having filed application for entry, the right to enter the land covered by his settlement passes to his widow. If there be no widow, said right passes to his heirs or devisees.

If a homestead entryman dies without having submitted final proof, his rights under the entry pass to his widow, or, if there be none and the children, if any, are not all minors, then to his heirs or devisees. However, if all the heirs be minor children of the entryman or entrywoman, and their other parent be dead, the entry is not subject to devise. In such a case the right to a patent vests in the children, subject to compliance with certain requirements.

13. *Residence.*—Except where otherwise provided by law, a homestead entryman must establish residence upon the tract entered within six months after date of the entry, unless an extension of time is allowed, and must maintain residence there for a period of three years.

14. *Absences.*—During each year, beginning with the date of establishment of actual residence, the entryman may absent himself from the land for not more than two periods, aggregating as much as five months. In order to be entitled to such absences, the entryman need not file application therefor, but must each time he leaves the land file at the local land office (by mail or other-

wise) notice of the time of leaving; and upon his return to the land he must notify said office of the date thereof.

15. *Cultivation.*—Cultivation of the land for a period of at least two years is required, and this must generally consist of actual breaking of the soil, followed by planting, sowing of seed, and tillage for a crop other than native grasses. However, tilling of the land, or other appropriate treatment, for the purpose of conserving the moisture with a view of making a profitable crop the succeeding year will be deemed cultivation within the terms of the act (without sowing of seed) where that manner of cultivation is necessary or generally followed in the locality.

During the second year not less than one-sixteenth of the area entered must be actually cultivated, and during the third year, and until final proof, cultivation of not less than one-eighth must be had. These requirements are the same as to homesteads under the general law and under the enlarged homestead acts, and the years in question begin to run, not from the establishment of residence, but from the date of the entry.

16. *Reduction of required area of cultivation.*—The Secretary of the Interior is authorized to reduce the requirements as to cultivation. This may be done in certain cases where the cultivation of the required amounts is not practicable.

A reduction may be allowed also if the entryman, after making entry and establishing residence, has met with misfortune which renders him reasonably unable to cultivate the prescribed area.

No reduction in area of cultivation will be permitted on account of expense in removing the standing timber from the land. Nor will a reduction in the area of cultivation based on the physical conditions of the land be permitted if, at the date of the application to enter, the land was designated and subject to entry under the stock raising act.

Application for reduction must be filed in the district land office on the prescribed form.

17. *Habitable house.*—The homestead entryman must have a habitable house upon the land entered, at the time of submitting proof.

18. *Completion of entry by widow, heirs, or devisees.*—Persons succeeding as widow, heirs, or devisees to the rights of a homestead entryman are not required to reside upon the land covered by the entry, but they must cultivate it as required by law for such period as will, added to the entryman's period of compliance with the law, aggregate the required term. They must in all cases shown at the time of proof that they are citizens of the United States. An entry may not be completed by the widow, heirs, or devisee of a homestead entryman unless he himself had complied with the law in all respects to the date of his death.

19. *Office holders.*—Persons appointed or elected to public office and civil-service employees are not entitled to any special privileges in connection with their homestead claims.

20. *Extension of time to establish residence.*—Where, for climatic reasons, or on account of sickness, or other unavoidable cause, residence can not be established on the land within six months after the date of the entry, additional time, not exceeding six months, may be allowed. Application for such extension must be made in affidavit form, corroborated by the affidavits of two persons acquainted with the facts.

21. *Leave of absence.*—Leave of absence for one year or less may be granted by the register of the district land office to entrymen who have established actual residence on the lands in cases where total or partial failure or destruc-

tion of crops, sickness, or other unavoidable casualty has prevented the entryman from supporting himself and those dependent on him by cultivation of the land. Application for such leave of absence must be made on the prescribed form.

22. *Change in residence requirements.*—The register may grant to such homesteaders as make proper showing that the climatic conditions make residence on the homestead for 7 months in each year a hardship, a reduction in the terms of residence to 6 months in each year over a period of 4 years, or to 5 months in each year over a period of 5 years.

23. *Commutation proofs.*—In order to make satisfactory commutation proof, where authorized, the entryman, or his statutory successor, must, as a general thing, show substantially continuous residence upon the land for 14 months, maintained until the submission of the proof or filing of notice of intention to submit same, the existence of a habitable house upon the claim and cultivation of not less than one-sixteenth of its acreage.

A person submitting commutation proof must, in addition to certain fees, pay the price of the land; this is ordinarily $1.25 per acre, but is more in certain cases.

24. *Submission of proof.*—Either final or commutation proof may be made at any time when it can be shown that there is a habitable house upon the land, that the required residence and cultivation have been had and that claimant is a citizen of the United States. Proof must be submitted within five years from date of entry. When a claimant is ready to submit proof he will be given full instructions as to the procedure which must be followed.

25. *Fees and commissions.*—When a homesteader applies to make entry he must pay in cash to the register a fee of $5 if his entry is for less than 81 acres, or $10 if he enters 81 acres or more. And in addition to this fee he must pay, both at the time he makes entry and final proof, a commission of $1 for each 40-acre tract entered outside of the limits of a railroad grant and $2 for each 40-acre tract entered within such limits. Generally, where an entry is commuted no commissions are payable. On all final proofs the register is entitled to receive 15 cents for each 100 words reduced to writing.

Where lands are entered under the homestead laws in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, the commissions due and the testimony fees under final proofs are 50 per cent more than those above specified.

26. *Alienation of land.*—The alienation of all or any part of the land embraced in a homestead prior to making proof, except for certain public purposes will prevent the entryman from making satisfactory proof.

27. *Mortgage.*—A mortgage by the entryman prior to final proof for the purpose of securing money for improvements, or for any other purpose not inconsistent with good faith, is not considered such an alienation of the land as will prevent him from submitting satisfactory proof.

28. *Relinquishments.*—No person obtains any right to the land by the purchase of a relinquishment. Upon the filing of a relinquishment in the district land office the land, in the absence of a withdrawal, becomes subject to settlement and entry by the first qualified applicant.

29. *Enlarged homesteads.*—The law provides for the making of homestead entries for areas of not exceeding 320 acres of public land in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, designated by the Secretary of the Interior as nonmineral, nontimbered, nonirrigable. In Idaho the land must be arid.

Where the land desired has not been designated under the enlarged homestead law, an applicant, may file an application for entry under such law, accompanied by a petition for the designation of the land. He thus secures a preference right of entry if the land be thereafter designated.

Applications to make an enlarged entry must be submitted on the proper form and must be executed before an officer authorized to administer oaths in homestead cases. The entry may be completed by showing residence and cultivation, in like manner as in ordinary homestead cases, and that there is a habitable house on the land. Such an entry is not subject to commutation.

30. *Stock-raising homesteads.*—The act of December 29, 1916 (39 Stat. 862), provides that the Secretary of the Interior may designate unappropriated, unreserved public lands as "stock-raising lands," where the surface thereof is, in his opinion, chiefly valuable for grazing and raising forage crops, provided they do not contain merchantable timber, are not susceptible of irrigation from any known source of water supply, are of such character that 640 acres are reasonably required for the support of a family, and contain no water holes or other bodies of water needed or used by the public for watering purposes. Where lands are thus designated, entry may be made for not exceeding 640 acres.

An entryman under this law is required to comply with the provisions of the general law with respect to residence and the erection of a habitable house. No specific amount of cultivation is required, but it must be shown, on submission of proof, that the entryman has made permanent improvements upon the tract tending to increase its value for stock-raising purposes, of the value of not less than $1.25 per acre, half of which improvements must be placed there within three years after entry; also that the land has been used for three years for raising stock and forage crops.

Applications to enter accompanied by petition for designation may be filed where the land has not been designated.

31. *Reservation of minerals.*—Where an entry is made under the general or enlarged homestead law, the United States does not reserve the minerals in the land so entered, except in certain cases where the land is withdrawn for mineral classification, classified as mineral, known to contain valuable mineral, or is embraced in a mineral prospecting permit or lease prior to the submission of satisfactory final proof. When an entry is made under the stock-raising homestead law, the United States reserves all mineral in the land so entered, together with the right to prospect for, mine, and remove the same.

32. *Soldiers' and sailors' homestead rights.*—Any officer, soldier, seaman, or marine who served for not less than 90 days in the Army or Navy of the United States during the Civil War, the Spanish-American War, the Philippine insurrection, the Mexican border operations, or the war with Germany, or any person who rendered 30 days' or more military service in the Indian wars from January 1, 1817, to December 31, 1898, and who was honorably discharged and who makes a homestead entry, is entitled to have the term of his service in the Army or Navy, not exceeding two years, deducted from the three years' residence required under the homestead laws.

A soldier or sailor of the classes above mentioned who makes entry as such must begin his residence and cultivation of the land entered by him within six months from the date of filing his declaratory statement, but if he makes entry without filing a declaratory statement he must begin his residence within six months after the date of the entry. Thereafter he must continue both residence and cultivation for such period as will, when added to the time of his military or naval service (under enlistment or enlistments covering war periods), amount to three years; but if he was discharged on account of wounds or disabilities incurred in the line of duty, or honorably discharged but subsequently awarded compensation by the Government for wounds received or disabilities incurred in line of duty, credit for the whole term of his enlistment may be allowed, notwithstanding he may not have served 90 days. However, no patent will issue to such soldier or sailor until there has been residence by him for at least one year.

Where the entry is made under the stock-raising provisions of the homestead law, the soldier must, in addition to other requirements, make the improvements on the land required of other persons.

33. *Soldiers' and sailors' preference rights.*—On the opening of public or Indian lands to entry or the restoration to entry of public lands theretofore withdrawn from entry, officers, soldiers, sailors, or marines who have served in the Army or Navy of the United States in any war, military occupation, or military expedition, and have been honorably separated or discharged therefrom or placed in the Regular Army or Naval Reserve are accorded a preferred right of entry under the homestead laws, if qualified thereunder, except as against prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation, for a period of not less than 90 days before the general opening of such lands to disposal.

34. *Other rights of war veterans and their widows and minor orphan children.*—Information relative to the other rights and privileges accorded persons of the classes named, in connection with the homestead laws, will be sent to any person interested, on request.

35. *Where there is no district land office.*—In the public-land States having no district land office, all business relating to the entry of lands is conducted by this office.

THOS. C. HAVELL,
Acting Commissioner.

U. S. GOVERNMENT PRINTING OFFICE: 1932

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Circular No. 1265. 61929

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UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office

March 26, 1932.

Absences Allowable from Homestead Lands in Drought-Stricken Areas in 1929, 1930, 1931, and 1932.

Registers,

U. S. Land Offices.

Sirs:

The act of March 2, 1932 (Public No. 51), entitled "An act to excuse certain persons from residence upon homestead lands during 1929, 1930, 1931, and 1932, in the drought-stricken areas," reads as follows:

> "That any homestead settler or entryman who, during the calendar year 1929, 1930, or 1931, found it necessary, or during 1932 should find it necessary, to leave his homestead to seek employment in order to obtain food and other necessaries of life for himself, family, or work stock because of serious drought conditions, causing total or partial failure of crops, may, upon filing with the register of the district proof of such conditions in the form of a corroborated affidavit, be excused from residence upon his homestead during all or part of the calendar years 1929, 1930, 1931, and 1932, and said entries shall not be open to contest or protest because of such absences: Provided, That the time of such actual absence shall not be deducted from the actual residence required by law, but an equivalent period shall be added to the statutory life of the entry."

Leaves of absences for all or part of the years mentioned by this act may be granted thereunder by the register of the district land office to any homestead settler or entryman who has established actual residence upon the lands and who thereafter found it necessary to leave his homestead to seek employment in order to obtain food and other necessaries of life for himself, family, or work stock because of total or partial failure of crops due to serious drought conditions.

The application for such leave of absence must be sworn to by the applicant and corroborated by at least one witness in the land district or county within which the lands claimed under the homestead laws are located before any officer authorized to administer oaths and using a seal. It must describe the land claimed and show the date when residence was established thereon and how the same was maintained thereafter by giving the dates of the beginning and ending of all residence periods and of all absence periods and the character of the improvements

(over)

and cultivation performed by the applicant. It must set forth fully all the facts on which the claimant bases his right to a leave of absence, the purpose of his request for leave, what effort was made to raise crops, giving the dates of the planting and the kind of crops planted and whether or not the drought conditions caused total or partial failure of crops.

If a leave of absence under this act is granted, it protects the entry from contest or protest on a charge of abandonment unless it be shown that the leave of absence was fraudulently obtained. The failure of an entryman to apply for such a leave of absence does not forfeit his right to show in defense of a contest or protest the existence of conditions which might have been made the basis for such an application.

The period during which a homesteader is absent from his claim pursuant to a leave duly granted under this act cannot be counted as any part of the actual residence on the land required by law but an equivalent period may be added to the statutory life of the entry.

This circular should be posted in a conspicuous place and be given to the press as a news item.

Very respectfully,

C. C. MOORE,

Commissioner.

Approved: March 26, 1932.

JOHN H. EDWARDS,

Assistant Secretary.

Circular No. 1269.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

May 20, 1932.

: Extension of period for
: submission of final
: proof on homestead
: entries.

Registers,

U. S. Land Offices.

Sirs:

The act of May 13, 1932 (Public No. 130), entitled "An act to extend the period of time during which final proof may be offered by homestead entrymen," reads as follows:

> "That the Secretary of the Interior is hereby authorized to extend for a period of not to exceed two years the period during which final proof may be offered by any homestead entryman upon public lands of the United States if the date requiring the submission of such final proof by any such entryman under existing law falls within the period beginning July 1, 1931, and ending December 31, 1933: Provided, That any such entryman shall be required to show that it is a hardship upon himself to meet the requirements incident to final proof upon the date required by existing law, due to adverse weather or economic conditions.
>
> "Sec. 2. The Secretary of the Interior is authorized to make such rules and regulations as are necessary to carry out the purposes of this act."

The act applies to those homestead entrymen whose entries expired by limitation on or since July 1, 1931, and to those whose entries will expire on or before December 31, 1933.

The application for relief under this act must be sworn to by the applicant and corroborated by at least one witness before an officer authorized to administer oaths and using a seal, or if sworn to before an officer who does not use a seal his official acts must be attested by some proper officer. It must describe the entry and show the date thereof and of establishing residence on

(over)

the land and the cultivation and improvements performed by the applicant. It must set forth fully the facts relative to the adverse weather or economic conditions or both which rendered it a hardship for the applicant to submit final proof on his entry within the statutory period and give the date on which he believes he will be able to submit satisfactory final proof, which must be not later than two years after the date on which the statutory life of the entry expired or expires under prior existing law.

You will promptly forward all applications for relief hereunder to this office by special letter after making notation thereof on your records and advise the claimant that his entry will be suspended to await action on his application and that he will be given due notice of the time when he will be required to submit final proof.

Very respectfully,

C. C. MOORE,

Commissioner.

Approved:

JOHN H. EDWARDS,

Assistant Secretary.

63405

Circular No. 1270.

still in effect 5/18/54

Part 2707
CFR 43

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

May 20, 1932.

Public No. 110-72d Congress "F" RCP.
S. 3570.

: Promulgating act of May 2,
: 1932, amendatory of act of
: January 25, 1927.

Registers,

U. S. Land Offices.

Sirs:

By the act of Congress approved May 2, 1932 (Public No. 110, 72d Congress), entitled "An Act to amend the Act entitled 'An Act confirming in States and Territories title to land granted by the United States in the aid of common or public schools', approved January 25, 1927", it is provided:

> "That subsections (b) and (c) of section 1 of the Act entitled 'An Act confirming in States and Territories title to land granted by the United States in the aid of common or public schools', approved January 25, 1927, be amended to read as follows:
>
> '(b) That the additional grant made by this Act is upon the express condition that all sales, grants, deeds, or patents for any of the lands so granted shall hereafter be subject to and contain a reservation to the State of all the coal and other minerals in the lands so sold, granted, deeded, or patented, together with the right to prospect for, mine, and remove the same. The coal and other mineral deposits in such lands not heretofore disposed of by the State shall be subject to lease by the State as the State legislature may direct, the proceeds and rentals and royalties therefrom to be utilized for the support or in aid of the common or public schools: Provided, That any lands or minerals hereafter disposed of contrary to the provisions of this Act shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States district court for the district in which the property or some part thereof is located.
>
> '(c) That any lands included within the limits of existing reservations of or by the United States, or specifically reserved for water-power purposes, or included in any pending suit or proceeding in the courts of the United States, or subject to or included in any valid application, claim, or right initiated or

1270

held under any of the existing laws of the United States, unless or until such reservation, application, claim, or right is extinguished, relinquished, or canceled, and all lands in the Territory of Alaska, are excluded from the provisions of this Act.'

Sec. 2. This amendatory Act shall take effect as of January 25, 1927; and in any case in which a State has selected lieu lands since such date under the Act approved February 28, 1891 (26 Stat. 796), and still retains title thereto, such State may, within ninety days after the date of the enactment of this Act, relinquish to the United States all right, title, and interest in such lands and shall thereupon be entitled to all the benefits of the Act of January 25, 1927, as amended by this Act."

It will be noted that subsection (b) of the act of January 25, 1927, deals only with the disposition by the States of such granted mineral lands.

By the act of January 25, 1927, which grants to the States certain school section lands that are mineral in character, it is provided by subsection (c) of section 1 that where such lands are embraced within an existing reservation at the date of said act of 1927, they are thereby excluded from the grant made by said act.

Under the amendatory act of May 2, 1932, it is provided that in the event of the restoration of the lands from such reservation, the grant to the State of such mineral school section lands will thereupon become effective.

Hereafter, adjudications in connection with the State's title to school sections will be governed by the provisions of this amendatory act of May 2, 1932.

As provided in section 2 of this amendatory act, where a State has selected indemnity lands since January 25, 1927, in lieu of school sections or parts thereof, which, under the provisions of the amendatory act would have vested in the State under the act of January 25, 1927, if such indemnity had not been selected, the State may, within 90 days after the date of the amendatory act, relinquish to the United States all right, title, and interest in such selected lands, and take title to the base lands under the act of January 25, 1927, as amended.

Consideration must be given, however, as to whether or not any valid claim has attached to such base lands while they may have had the status of public lands of the United States. Such adverse claims may have attached in some instances, for the reason that, upon restoration of the base lands from a reservation after the State had received indemnity lands in lieu thereof, the school section lands assigned as base would be subject to disposition as public lands of the United States, either under the mining laws or other applicable public land laws.

It must be understood, therefore, that the status of the school section lands assigned as base must be determined, as to whether or not there is any valid claim adverse to the right of the State, where such indemnity selections have been approved and the selected lands certified to the State, before relinquishment may be made of the indemnity school land selection with a view to acquiring title to the base land under the provisions of the amendatory act of May 2, 1932; and, furthermore, that such relinquishments are applicable only where school section lands of known mineral character were within a reservation at the date of the act of January 25, 1927, and have since been restored from such reservation.

Where such indemnity selections have been approved and the selected lands certified to the State, such relinquishment must be in the form of a quitclaim deed, prepared in accordance with the laws of the State in which located governing the conveyance of real property, and must be accompanied by certificates of the proper State officer and of the proper county recorder, showing that said lands have not been sold or otherwise disposed of or encumbered by the State.

When, upon examination in this office, such relinquishment or reconveyance is found to be in accordance with the amendatory act of May 2, 1932, and with these instructions, and is accepted by this office, title to such base lands assigned to the selection as come within the meaning of the act of May 2, 1932, will thereupon vest in the State, in accordance with the act of January 25, 1927, as amended.

The beneficiaries of the grant made by the act of January 25, 1927, and by the amendatory act of May 2, 1932, are the States of Arizona, California, Colorado, Idaho, Montana, Nebraska, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington and Wyoming. The grant also extends to the unsurveyed school sections reserved, granted, and confirmed to the State of Florida by the act of Congress approved September 22, 1922 (42 Stat. 1017).

Very respectfully,

C. C. MOORE,

Commissioner.

Approved: May 20, 1932.

JOHN H. EDWARDS,

Assistant Secretary.

1270

Circular No. 1272.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

June 11, 1932.

: Regulations under the act of
: May 14, 1932, as to the per-
: fecting of title to certain
: lands in Colorado.

Register,

Denver, Colorado.

Sir:

The act of May 14, 1932, Public No. 135, provides:

> That the Secretary of the Interior, in his judgment and discretion, is hereby authorized after due inquiry to issue patents in the manner hereinafter provided, for any of those lands situated in the State of Colorado which were, as a result of the adjustment of the land grant to Leavenworth, Pawnee and Western Railroad Company to which the Union Pacific Railroad Company succeeded, restored to the public domain by the Secretary of the Interior on May 20, 1931, to be disposed of under existing applicable public land laws.
>
> Sec. 2. That any person, association, corporation, or municipality which, in good faith under color of title prior to the date of said restoration, placed valuable improvements upon, occupied, or cultivated, or otherwise exercised dominion over any of the lands so restored, or who on or since said date of restoration became the grantee, transferee, or assignee of such person, association, corporation, or municipality, shall have a preference right to purchase the lands so held by him upon the filing of an application therefor and payment of $1.25 per acre, or fraction thereof within six years from the date of the passage of this act: Provided, That upon any such application filed within three years from the date of the enactment hereof payment of said $1.25 per acre is hereby waived. Every such application must be accompanied with satisfactory proof that the applicant is entitled to such preference right, and that the lands which he applies to purchase are not in the legal possession of an adverse claimant: Provided further, That any such applicant may, if he so elects, perfect his title under any applicable public land law, if qualified thereunder.

Sec. ~~4~~3 That the Secretary of the Interior is authorized to issue all necessary rules and regulations for the purpose of carrying out the provisions of this Act.

The land involved, being that embraced in the restoration of May 20, 1931, is described as follows:

	Sec.	T.	R.	Area
SW¼ SW¼	19	3 S.	70 W.	36.52
W½	27	4 S.	70 W.	320.00
SE¼ SE¼, W½ SE¼, NE¼ (Tract 130)	35	1 S.	71 W.	280.00
W½	1	2 S	71 W.	321.20
All	11	"	"	640.00
NW¼	13	"	"	160.00
N½	15	"	"	320.00
N½ NW¼	35	"	"	80.00
All	9	3 S.	"	640.00
W½	33	"	"	320.00
NE¼ NE¼	7	4 S.	"	40.00
S½ SE¼	9	"	"	80.00
NW¼	33	4 N.	62 W.	160.00
W½, W½ E½	3	5 N.	62 W.	482.87
All	5	"	"	640.20
W½, W½ E½	15	"	"	480.00
All	17	"	"	640.00
All	19	"	"	640.16
All	21	"	"	640.00
W½, W½ E½	27	"	"	480.00
All	29	"	"	640.00
All	33	"	"	640.00
W½	7	9 N.	63 W.	325.48
S½	15	"	"	320.00
All	17	"	"	640.00
N½ NE¼, W½	19	"	"	402.92
All	23	"	"	640.00
All	29	"	"	640.00
All	5	10 N.	"	641.60
SE¼, N½	7	"	"	482.93
All	17	"	"	640.00
W½	27	"	"	320.00
NW¼	1	9 N.	64 W.	162.69
S½	1	"	"	320.00
W½ SE¼, SW¼, N½	11	"	"	560.00
W½	13	"	"	320.00
All	3	10 N.	64 W.	642.14
All	11	"	"	640.00
All	13	"	"	640.00
All	17	"	"	640.00
SW¼	19	"	"	164.23
N½	19	"	"	327.75

	Sec.	T.	R.	Area
$E\frac{1}{2}$	21	10 N.	64 W.	320.00
All	27	"	"	640.00
All	35	11 N.	64 W.	640.00
$NE\frac{1}{4}$	13	10 N.	65 W.	160.00
			Total	19,910.69

The following regulations will govern the filing of applications and the adjudication of claims to the land:

1. A person, association, corporation, or municipality with a claim coming within the provisions of the said act of May 14, 1932, as to any of the above land, desiring to perfect title thereto under the provisions of the act, should file an application in your office. No special forms of application are provided. This being a remedial act, no filing fee or commissions will be charged.

2. An application should be accompanied by evidence that the applicant prior to May 20, 1931 held the land under color of title. This must be shown by documentary evidence, such as, deed from the railroad company or other persons, tax deeds, or abstract of title from the date of initiation of such color of title to the date of the application. Authenticated copies of documents may be filed in lieu of the originals. It must be shown also that prior to May 20, 1931, the applicant had placed valuable improvements upon the land, occupied, cultivated or otherwise exercised dominion over the same. If improvements or occupancy are relied upon, a complete description of the improvements, date of their erection and value should be stated, and the nature and duration of the occupancy shown, and/or if the land has been cultivated or grazed the annual extent of either and the kinds of crops, or the number of stock pastured must be set forth. In the absence of improvements, occupancy or cultivation, the applicant must state fully and completely the extent to which he has held the land and the extent to which he has exercised dominion over it or controlled it to the exclusion of all other persons. Or the application must show that on or since May 20, 1931, the applicant became the grantee, transferee, or assignee of one who or which did so use, occupy and/or exercise dominion over the land as above indicated.

3. All statements should be by affidavit and duly corroborated, where possible.

4. Applications should be filed within six years after May 14, 1932, the date of the act. If filed within three years after May 14, 1932, no payment of purchase price is necessary, but if filed after three years from date of said act, a purchase price at the rate of $1.25 per acre, or fraction thereof, for the land sought must be paid in connection with the application.

5. In the case of each application, you will issue notice of publication, such notice to be published at the expense of the applicant in a newspaper designated by you, having a general circulation in the vicinity of the land applied for. If it be in a daily paper, notice should be published in

the Wednesday issue for five consecutive weeks; if weekly, in five consecutive issues; and if semi-weekly, in either issue for five consecutive weeks. The first day of publication must be at least 30 days before the date set in the notice prior to which protests shall be filed. You will post a copy of notice in your office during the entire period of publication. The applicant must post a copy of the notice on the land during the entire period of publication. The applicant must file affidavit that the notice was so posted on the land and must furnish the usual affidavit of the publisher as to publication of the notice, accompanied by a copy of the notice published.

6. You will not issue certificate, but upon completion of publication and posting, you will transmit to this office the entire record with report as to conflicts and protests, and await further instructions.

7. A number of persons who may have claims coming within the provisions of the said act of May 14, 1932, to tracts of this land have already filed applications therefor under the homestead, and other public land laws, or remedial acts. Such applications will be adjudicated by this office in due course, unless the applicants indicate their desire in writing to perfect title under the said act of May 14, 1932.

8. The act provides that an applicant under it may, if he so elects, perfect title in accordance with the provisions of any applicable public land law if qualified thereunder. Such claims will be governed by existing regulations applicable thereto.

9. You will give publicity to these regulations among interested parties without expense to the Government. Additional copies hereof will be forwarded to you in due course for distribution among those alleging an interest in these lands.

Very respectfully,

C. C. MOORE,

Commissioner.

Approved: June 11, 1932.

JOHN H. EDWARDS,

Assistant Secretary.

Circular No. 1269.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

May 20, 1932.

1446952 "C" AJM

: Extension of period for
: submission of final
: proof on homestead
: entries.

Registers,

U. S. Land Offices.

Sirs:

The act of May 13, 1932 (Public No. 130), entitled "An Act to extend the period of time during which final proof may be offered by homestead entrymen," reads as follows:

> "That the Secretary of the Interior is hereby authorized to extend for a period of not to exceed two years the period during which final proof may be offered by any homestead entryman upon public lands of the United States if the date requiring the submission of such final proof by any such entryman under existing law falls within the period beginning July 1, 1931, and ending December 31, 1933: Provided, That any such entryman shall be required to show that it is a hardship upon himself to meet the requirements incident to final proof upon the date required by existing law, due to adverse weather or economic conditions.
>
> "Sec. 2. The Secretary of the Interior is authorized to make such rules and regulations as are necessary to carry out the purposes of this Act."

The act applies to those homestead entrymen whose entries expired by limitation on or since July 1, 1931, and to those whose entries will expire on or before December 31, 1933.

The application for relief under this act must be sworn to by the applicant and corroborated by at least one witness before an officer authorized to administer oaths and using a seal, or if sworn to before an officer who does not use a seal his official acts must be attested by some proper officer. It must describe the entry and show the date thereof and of establishing residence on

(over)

the land and the cultivation and improvements performed by the applicant. It must set forth fully the facts relative to the adverse weather or economic conditions or both which rendered it a hardship for the applicant to submit final proof on his entry within the statutory period and give the date on which he believes he will be able to submit satisfactory final proof, which must be not later than two years after the date on which the statutory life of the entry expired or expires under prior existing law.

You will promptly forward all applications for relief hereunder to this office by special letter after making notation thereof on your records and advise the claimant that his entry will be suspended to await action on his application and that he will be given due notice of the time when he will be required to submit final proof.

Very respectfully,

C. C. MOORE,

Commissioner.

Approved:

JOHN H. EDWARDS,

Assistant Secretary.

64004

Circular No. 1273.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

See Circ. 1825

June 16, 1932.

Registers,
U. S. Land Offices,

Chiefs of Field Divisions,
General Land Office.

Sirs:

For your information, and in order that you may inform inquirers relative thereto, your attention is called to Public Resolution No. 23, approved June 6, 1932, providing for the suspension of annual assessment work on mining claims held by location in the United States and Alaska, and reading as follows:

> "Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provision of section 2324 of the Revised Statutes of the United States which requires on each mining claim located, and until a patent has been issued therefor, not less than $100 worth of labor to be performed, or improvements aggregating such amount to be made each year, be, and the same is hereby suspended as to all mining claims in the United States, including Alaska, during the fiscal year from July 1, 1931, to July 1, 1932."

It will be observed that the act is self-operating and does not require any filing of notice by claimants, and that the suspension is only for the present year ending July 1, 1932.

Very respectfully,

C. C. MOORE,

Commissioner.

Approved: June 16, 1932.

JOHN H. EDWARDS,

Assistant Secretary.

Circular No. 1275.

REGULATIONS UNDER ACT OF APRIL 23, 1932, RELATIVE TO RECLAMATION WITHDRAWN LANDS AND ALLOWANCE OF LOCATION, ENTRY AND PATENT UNDER THE GENERAL MINING LAWS WITH RESERVATIONS OF RIGHTS, WAYS, AND EASEMENTS.

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UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington June 22, 1932.

Registers,

U. S. Land Offices.

Sirs:

An act approved April 23, 1932 (Public No. 104 - 72d Congress, H. R. 8087), provides as follows:

> "That where public lands of the United States have been withdrawn for possible use for construction purposes under the Federal reclamation laws, and are known or believed to be valuable for minerals and would, if not so withdrawn, be subject to location and patent under the general mining laws, the Secretary of the Interior, when in his opinion the rights of the United States will not be prejudiced thereby, may, in his discretion, open the land to location, entry, and patent under the general mining laws, reserving such ways, rights, and easements over or to such lands as may be prescribed by him and as may be deemed necessary or appropriate, including the right to take and remove from such lands construction materials for use in the construction of irrigation works, and/or the said Secretary may require the execution of a contract by the intending locator or entryman as a condition precedent to the vesting of any rights in him, when in the opinion of the Secretary same may be necessary for the protection of the irrigation interests. Such reservations or contract rights may be in favor of the United States or irrigation concerns cooperating or contracting with the United States and operating in the vicinity of such lands. The Secretary may prescribe the form of such contract which shall be executed and acknowledged and recorded in the county records and United States local land office by any locator or entryman of such land before any rights in their favor attach thereto, and the locator or entryman executing such contract shall undertake such indemnifying covenants and shall grant such rights over such lands as in the opinion of the Secretary may be necessary for the

protection of Federal or private irrigation in the vicinity. Notice of such reservation or of the necessity of executing such prescribed contract shall be filed in the General Land Office and in the appropriate local land office, and notations thereof shall be made upon the appropriate tract books, and any location or entry thereafter made upon or for such lands, and any patent therefor shall be subject to the terms of such contract and/or to such reserved ways, rights, or easements and such entry or patent shall contain a reference thereto.

"SEC. 2. The Secretary of the Interior may prescribe such rules and regulations as may be necessary to enable him to enforce the provisions of this Act."

This act authorizes the Secretary of the Interior in his discretion to open to location, entry and patent under the general mining laws with reservation of rights, ways and easements, public lands of the United States which are known or believed to contain valuable deposits of minerals and which are withdrawn from development and acquisition because they are included within the limits of withdrawals made pursuant to Section 3 of the reclamation act of June 17, 1902 (32 Stat. 388).

The opening of such lands to location, entry and patent under the general mining laws will be governed by the following regulations:

(1) Application to open lands to location under the act may be filed by a person, association or corporation qualified to locate and purchase claims under the general mining laws. The application must be executed in duplicate, be under oath and filed in the United States land office of the district in which the lands are situated, must describe the land the applicant desires to locate, by legal subdivision if surveyed, or by metes and bounds if unsurveyed, and must set out the facts upon which is based the knowledge or belief that the lands contain valuable mineral deposits, giving such detail as the applicant may be able to furnish as to the nature of the formation, kind and character of the mineral deposits.

(2) The Register will assign a current serial number to the application, note his records and forward the original and duplicate application to the General Land Office with report of record status of the land.

(3) When the application is received in the General Land Office, if found satisfactory, the duplicate will be transmitted to the Bureau of Reclamation with request for report and recommendation.

In case the Commissioner, Bureau of Reclamation, makes an adverse report on the application, it will be rejected subject to right of appeal.

If in the opinion of the Commissioner, Bureau of Reclamation, the lands may be opened under the act without prejudice to the rights of the United States, he will in his report recommend the reservation of such ways, rights and easements as he considers necessary or appropriate, and/or the form of contract to be executed by the intending locator or entryman as a condition precedent to the vesting of any rights in him, which in his opinion may be necessary for the protection of the irrigation interests.

(4) Upon receipt of a favorable report from the Commissioner, Bureau of Reclamation, containing the necessary data, the Commissioner of the General Land Office will submit the application to the Secretary of the Interior with appropriate recommendation that the land be opened to location, entry and patent under the mining laws, subject to such reservations, and/or contract to be entered into by the intending locator.

(5) Orders opening lands under the act will be promulgated by the General Land Office, notations thereof made on the tract books of that office, and copies of such orders furnished to the Bureau of Reclamation.

(6) Upon receipt of such an order in the local land office, the Register will file the same in his office, note on his tract books the date and number of the order and the reservations therein provided for, or the necessity of executing the prescribed contract, and will notify the applicant that the lands are subject to location in accordance with the terms and conditions of the order opening the same thereto.

Such applicant will be further advised that any location of the lands will be subject to such ways, rights and easements over or to such lands as are reserved in the order opening the lands to location, including the right to take from such lands construction materials for use in the construction of irrigation works; and/or, if the order opening the lands so requires, that before he can acquire any rights under location, he must execute, acknowledge and record in the county records and in the United States local land office the contract prescribed by such order, and that the location must also be made and maintained in accordance with the United States mining laws and regulations thereunder.

Very respectfully,

I concur:

ELWOOD MEAD,

Commissioner, Bureau of Reclamation.

THOS. C. HAVELL,
Acting Commissioner.

Approved: June 22, 1932.

JOHN H. EDWARDS,

Assistant Secretary.

Not obsolete
Send with
#1785

Office Copy
[redacted]

UNITED STATES DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

Washington

~~Replaced by~~
~~No. 1785~~

CIRCULAR No. 1278

Replaced by
1941
1961

INFORMATION IN REGARD TO MINING CLAIMS ON THE PUBLIC DOMAIN

The purpose of this circular is to furnish brief information pertinent to the location and purchase of mining claims under the United States mining laws.

1. *Initiation of rights to mineral land.*—Rights to mineral lands, owned by the United States, are initiated by prospecting for minerals thereon, and, upon the discovery of mineral, by locating the lands upon which such discovery has been made. A location is made by staking the corners of the claim, posting notice of location thereon (see 10), and complying with the State laws, regarding the recording of the location in the county recorder's office, discovery work, etc.

2. *State mining laws.*—As supplemental to the United States mining laws there are State statutes relative to location, manner of recording of mining claims, etc., in the State, which should also be observed in the location of mining claims. Information as to State laws can be obtained locally or from State officials.

3 *Lands subject to location and purchase.*—Vacant public surveyed or unsurveyed lands are open to prospecting, and upon discovery of mineral, to location and purchase, as are also lands in national forests in the public-land States (forest regulations must be observed), lands entered or patented under the stock raising homestead law (title to minerals only can be acquired), lands entered under other agricultural laws but not perfected, where prospecting can be done peaceably, and lands within the railroad grants for which patents have not issued.

(Replaced by Pamphlet titled "Information in Regard to Mining Claims on the Public Domain.")
(see memo 1-8-58)
(11/58)

4. *Status of lands.*—Information as to whether any particular tract of land is shown by the records to be vacant and open to prospecting may be obtained from the manager of the land district in which the tract is situated. Since location notices of mining claims are filed in the office of the county recorder, ordinarily no information regarding unpatented mining claims is obtainable from the district land office or the Bureau of Land Management unless application for patent has been filed.

5. *Minerals subject to location.*—Whatever is recognized as a mineral by the standard authorities, whether metallic or other substance, when found in public lands in quantity and quality sufficient to render the lands valuable on account thereof, is treated as coming within the purview of the mining laws. Deposits of coal, oil, gas, oil shale, sodium, phosphate, potash, and in Louisiana and New Mexico sulphur, belonging to the United States, can be acquired under the mineral leasing laws, and are not subject to location and purchase under the United States mining laws.

6. *Mining locations—Areas.*—Lode locations for minerals discovered in lode or vein formation may not exceed in length 1,500 feet along the vein and in width 300 feet on each side of the middle of the vein, the end lines of the location to be parallel to each other. Placer locations, which include all minerals not occurring in vein or lode formation, may be for areas of not more

than 20 acres for each locator, no claim to exceed 160 acres made by not less than eight locators. Placer locations must conform to the public surveys wherever practicable.

7. *Who may make locations.*—Citizens of the United States, or those who have declared their intention to become such, including minors who have reached the age of discretion and corporations organized under the laws of any State. Agents may make locations for qualified locators.

8. *Number of locations.*—The United States mining laws do not limit the number of locations that can be made by an individual or association.

9. *Valid locations—Discovery after conveyance.*—A location is not valid until an actual discovery of mineral is made within the limits thereof. A placer location of more than 20 acres, made by two or more locators and conveyed to a less number before discovery is made, is valid to the extent of 20 acres only for each owner at date of discovery.

10. *Locations to be marked on ground—Notice.*—Except placer claims described by legal subdivision, all mining claims must be distinctly marked on the ground so that their boundaries may be readily traced, and all notices must contain the name or names of the locators, the date of location and such a description of the claim by reference to some natural object or permanent monument as will serve to identify the claim.

11. *Locations on streams and bodies of water.*—Beds of navigable waters are subject to the laws of the State in which they are situated and are not locatable under the United States mining laws. Title to the beds of meandered nonnavigable streams is in the riparian owner. The beds of unmeandered, nonnavigable streams are subject to location under the United States mining laws if they are unoccupied, as are also the beds of meandered nonnavigable streams when the abutting upland is unappropriated.

12. *Maintenance—Annual assessment work—Adverse claim—Jurisdiction.*—The right of possession to a valid mining claim is maintained by the expenditure annually of at least $100 in labor or improvements of a mining nature on the claim, the first annual assessment period commencing at 12 o'clock noon on the 1st day of July succeeding the date of location. Failure to perform the assessment work for any year will subject the claim to relocation, unless work for the benefit of the claim is resumed before a relocation is made. The determination of the question of the right of possession between rival or adverse claimants to the same mineral land is committed exclusively to the court. (See 18.) However, failure to perform the annual assessment work on a mining claim in Alaska works a forfeiture of the claim, and resumption of work on the claim will not prevent relocation.

13. *Expenditures on claim for patent purposes—Lode—Placer—Mill site.*—Five hundred dollars in labor or improvements of a mining nature, must be expended upon or for the benefit of each lode or placer claim, and compliance with the United States mining laws made otherwise, to entitle the claimant to prosecute patent proceedings therefor. Such expenditures must be completed prior to the expiration of the period during which notice of the patent proceedings is published. Patent expenditures on a mill site are not required, but it must be shown that the mill site is used or occupied for mining or milling purposes at the time an application for patent therefor is filed.

14. *Patent not necessary.*—One may develop, mine, and dispose of mineral in a valid mining location without obtaining a patent, but possessory right must be maintained by the performance of annual assessment work on the claim in order to prevent its relocation by another.

15. ***Procedure to obtain patent to mining claims.***--The owner or owners of a valid mining location, or group of locations, on which not less than $500 has been expended on or for the benefit of each claim, may institute patent proceedings therefor in the district land office. Information as to patent procedure can be obtained from the manager of the local land office or from the Bureau of Land Management. In general, a survey must be applied for unless the claim is a placer claim located by legal subdivisions, the application for survey to be made to the public survey office in the State wherein the claim is situated. Applications for patent are filed in the district land office. A notice of the application is required to be posted on the land prior to filing the application and to be published by the register after the application is filed.

16. ***Blank forms.***--No set form of location notices nor of the papers filed in patent proceedings for mining claims is required and no blank forms are furnished by the Bureau of Land Management or by the district land offices, for use in mineral cases. Forms containing essentials are printed by local private parties or concerns. The managers of the local land offices can usually advise you where such forms may be obtained.

17. *Common improvements.*—An improvement, made upon one of a group of contiguous claims (cornering is not contiguity) owned in common, may be applied to such claims of the group, in existence at the time the improvement is made, shown to be benefited thereby.

18. *Adverse Claims.*—An adverse claim may be filed during the period of publication of notice of an application for patent (or within 8 months after the expiration of the publication period in Alaska), by one claiming a possessory right under another mining location to all or some portion of the land applied for, and must show fully the nature, boundaries, and extent of the area in conflict, to be followed, within 30 days after filing (60 days in Alaska), by suit in a court of competent jurisdiction. If suit is filed, all proceedings on the application, except the filing of the affidavits of continuous posting and publication of the notice of the application, are stayed to await the outcome of the court proceedings.

19. *Coowners.*—A coowner not named in the application for patent can not assert his rights by filing an adverse claim, a protest being proper to cause his alleged rights to be considered when the case is adjudicated. If a coowner fails to do his proper proportion of annual assessment work on a claim, or fails to contribute his proportion of the cost thereof, the coowners who have caused the work to be done during any assessment period may, at the expiration of the assessment year, give such delinquent coowner personal notice in writing, or notice by publication in a newspaper published nearest the claim for at least once a week for 90 days, and if at the expiration of 90 days after such notice in writing, or 180 days after the first newspaper publication, such delinquent should fail to contribute his proportion of the expense required, his interest in the claim becomes the property of his coowners who have made the expenditure.

20. *Lode in placer.*—If a placer mining applicant fails to state that there is a known lode within the boundaries of the claim, it is taken as a conclusive declaration that he has no right of possession thereto. If no such vein or lode be known the placer patent will convey all valuable mineral and other deposits within the boundaries of the claim. A known lode not included in an application for patent to the claim may be applied for even after issuance of patent to the placer mining claim. Where a placer mining claimant makes application for a placer containing within its boundaries a lode claim owned by him the lode must be surveyed, the lode being paid for on the basis of $5 per acre and the remaining portions of the placer at the rate of $2.50 per acre.

21. *The United States mining laws are applicable to the following States:* Arizona, Arkansas, California, Colorado, Florida, Idaho, Louisiana, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming; also in the Territory of Alaska.

22. *National parks and monuments:* — With the exception of Mt. McKinley National Park and Glacial Bay National Monument in Alaska, Organ Pipe Cactus National Monument in Arizona, and Death Valley National Monument in California, mining locations may not be made on lands in national parks and monuments after their establishment.

23. *Withdrawals.*—Withdrawals usually bar location under the mining laws, but withdrawals made under the act of June 25, 1910 (36 Stat. 847), as amended by the act of August 24, 1912 (37 Stat. 497), permit locations of the withdrawn lands containing metalliferous minerals. Lands withdrawn for water power purposes are not subject to location unless first restored under the provisions of section 24 of the Federal Water Power Act.

24. *Minerals in Indian lands.*—In general, the mineral deposits in Indian reservations are subject to leasing and are under the administration of the Office of Indian Affairs.

25. *Mineral land in agricultural entries—Protest—Contest.*—Where lands known to be valuable for minerals are embraced in an agricultural filing, other than a stock raising homestead filing, a mineral claimant may initiate a contest thereagainst by filing a protest sworn to and in duplicate, in the local land office, alleging sufficient facts, which, if proven, will establish the mineral character of the land, and warrant cancellation of the agricultural filing. The protest must be corroborated by one or more witnesses having knowledge of the facts alleged. In the case of stock raising homestead entries, a mineral claimant, whose location antedates the homestead filing, must protest such filing in order to protect his title to the surface of his mining claim.

26. *Cost of patent proceedings for mining claims.*—With the exception of the fixed charges, such as the fee for filing an application for patent, which is $10, the purchase price of lands in lode claims and millsites at $5 per acre, and $5 for each fractional part of an acre, and $2.50 per acre or fraction of an acre for placer lands, unless otherwise provided by law as to certain lands, no estimate can be furnished as to what it will cost to procure a patent. The cost of publication, survey, and abstract of title depends upon the services rendered and vary in each case.

Fred W. Johnson, Director.

114207

UNITED STATES
DEPARTMENT OF THE INTERIOR
Harold L. Ickes, Secretary

Replaced by 1785

GENERAL LAND OFFICE
Fred W. Johnson, Commissioner

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MINERAL PATENTS

INFORMATION RELATIVE TO THE PROCEDURE FOR OBTAINING PATENT TO A MINING CLAIM

October 1940

114207

MINERAL PATENTS

The development of the mineral resources of the public lands is an important part of the program of the Department of the Interior for conservation through wise use of our natural resources.

With a view to advising prospective applicants concerning the procedure for obtaining patent to a mining claim, the General Land Office presents this bulletin.

(Sgd) Fred W. Johnson

Commissioner.

October 1940.

MINERAL PATENTS

Deposits of minerals, other than coal, oil, gas, oil shale, sodium, phosphate and potash (sulphur in Louisiana and New Mexico) in both surveyed and unsurveyed lands belonging to the United States are open to exploration and purchase under the mining laws of May 10, 1872. The lands in which the minerals are found are open to occupation and purchase by citizens of the United States or those who have declared their intentions to become citizens, under regulations prescribed by the Secretary of the Interior, and according to the local customs or rules of miners in the several mining districts, so far as they are applicable and not inconsistent with the laws of the United States. Certain minerals belonging to the United States (coal, oil, gas, oil shale, sodium, potash, phosphate, and in Louisiana and New Mexico, sulphur) may be acquired under what are known as the mineral leasing laws and are not subject to location and purchase under the mining laws. Information regarding the acquisition of any of these leasable minerals will be furnished upon request.

Under the provisions of the mining laws, the locator or owner of a valid mining location has the right to the exclusive possession for mining purposes of the land embraced in the location, and may continue to hold such possession so long as he performs labor or makes improvements of not less than $100 in value on or for the benefit of the claim each assessment year. Upon failure to comply with the assessment work requirement during any year, the claim is open to relocation at any time prior to the resumption of work by the owner, or his heirs, legal representatives or assigns. Thus, while a valid mining claim may be held and mined under the location title, that title may be lost by failure to perform the required annual assessment work, and for this reason it is desirable to obtain a patent for the claim, after which annual assessment work is no longer required. Before a patent can be obtained, not less than $500 must have been expended in labor or improvements in the development of the claim.

The procedure for obtaining patent to a mining claim is briefly set forth herein for the benefit of locators and owners of such claims.[1]

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[1] For information relating to prospecting, location of claims, and other work necessary before applying for patent, see Circular No. 1278, Information in Regard to Mining Claims on the Public Domain.

Applicants for mineral patents should proceed in the following order:

LODE CLAIMS

1. The claim must be surveyed. An application to have the survey made must be filed with the district cadastral engineer.

2. Formal notice of the application must be given by posting a copy of the plat of survey and a notice of application for patent on the claim.

3. A proper application for patent must be filed in the district land office supported by the following papers:
    - (a) Copy of the field notes and plat of survey.
    - (b) Proof of posting the plat and notice on the claim.
    - (c) Abstract of title or proof of possessory right.
    - (d) Proof of citizenship.
    - (e) Payment of filing fee.
    - (f) Publisher's agreement.
    - (g) Notice for publication.
    - (h) Notice for posting in district land office.

4. Final proceedings.
    - (a) Proof of publication must be made.
    - (b) Proof of continuous posting of plat and notice on claim during full 60-day period of publication must be made.
    - (c) Affidavit that all fees and charges have been paid must be filed.
    - (d) An application to purchase accompanied by tender of purchase price must be filed.
    - (e) Diligence.

1. Survey

Claimant must apply to the district cadastral engineer for authority to survey the claim (list of titles, addresses and extent of districts of such engineers appended hereto). Form of application may be obtained from the district cadastral engineer. Deposit of a sum estimated by the district cadastral engineer as sufficient to cover cost of making plats and field notes must be made before survey will be authorized. Applicant will, by private contract, arrange with a United States mineral surveyor to make the survey. The applicant may obtain from the district cadastral engineer a list of United States mineral surveyors from which he can select one to employ to survey his claim.

2. Posting on Claim

After the survey, applicant will post a copy of the plat and a notice of intention to apply for a patent in a conspicuous place on the claim, or on one of a group of claims, where it can be readily seen by any interested party.

3. Application for Patent

The application must show that the applicant has the right of possession to the claim and applicant should state briefly but clearly the facts constituting the basis of his right to a patent, a full description of the vein or lode, whether ore has been extracted, and, if so, of what amount and value, and the precise place within the limits of each claim where the vein or lode is exposed.

In addition to the improvements mentioned in the field notes, it is proper that the claimant in his application for patent should describe in detail the shafts, cuts, tunnels, or other workings claimed as improvements, giving their dimensions, value, and the course and distance thereof to the nearest corner of the public surveys. This statement of the description and value of the improvements must be corroborated by the affidavits of two disinterested witnesses.

Application must be under oath and filed in duplicate and it and all supporting affidavits may be verified before any officer authorized to administer oaths within the land district where the claim is situated. Individual claimants must execute application, except that if claimant is absent from district, the application must be executed by an attorney in fact within the land district. Application by a corporation may be executed by its officers, or by an agent or attorney in fact who has been duly authorized.[2]

The application for patent will be filed in the district land office after plat and notice have been posted on the claim and must be supported by:

(a) Copy of the field notes and plat of survey.

(b) Proof of posting on claim.--The affidavit of two credible witnesses, not claimants or their attorneys in fact, giving date and place of posting, with copy of notice attached to the affidavit.

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[2] Authority of attorney in fact.

- (a) Attorney for individual shown by original or certified copy of power of attorney.
- (b) Attorney for corporation shown by certified copy of resolution appointing or authorizing official to appoint, with original or certified copy of power of attorney in the latter case.

(c) Abstract of title.--The application for patent must be supported by a certified copy of each location notice and also by an abstract of title of each claim, brought down to a date reasonably near date of filing the application, and must be supplemented later to include date of filing of the application, and be certified to by the custodian of the records, or by an abstracter, who has been approved by the Commissioner of the General Land Office.

Proof of possessory title.--As to old claims, where the records have been lost or destroyed and where all controversy over the claims has long since ceased, applicant may furnish a certified copy of the statute of limitations, applicable to mining claims in the State, with his affidavit, corroborated by disinterested persons, showing the facts as to the origin and maintenance of his title, the area of the claim, the kind and extent of mining improvements, whether his title has been disputed in court proceedings or otherwise, with details, as well as any other matters known to him which bear upon his right of possession. A certificate, under seal, by the clerk of the court having jurisdiction, that no action involving right of possession to the claim is pending and that there has been no litigation in the court affecting the title to the claim for the time fixed by the statute of limitations in the State other than has been decided in favor of the applicant for patent, must be filed.

(d) Proof of citizenship.--Affidavits of citizenship may be executed either within or without the land district.

(1) Of a native-born citizen, by his affidavit of that fact.
(2) Of one who has declared his intention to become a citizen, or has been naturalized, his affidavit showing date, place and the court before which he declared his intention or from which his naturalization papers issued, and the number of certificate if known.
(3) Of an association, competent evidence as above of each member.
(4) Of a corporation, by a certified copy of its charter, or certificate of incorporation.

(e) Payment of filing fee.

(f) Publisher's agreement.

(g) Notice for publication.--At the expense of applicant in a newspaper designated by the Register; (a) in weekly paper, 9 consecutive insertions; (b) in daily paper, 61 consecutive insertions. In all cases publications must be in each issue published within a period of 61 days. Sample form containing essential data appended.

(h) Notice for posting in district land office.

4. Final Proceedings

(a) Proof of publication.--The sworn statement of the publisher that the notice was published for the stated period, giving the first and last dates of the publication.

(b) Proof of continuous posting.--The affidavit of the applicant or his duly authorized attorney in fact that the plat and notice remained conspicuously posted on the claim during the entire period of publication, giving dates.

(c) Proof of fees and charges paid.--Affidavit of claimant or attorney in fact that all fees and charges have been paid, itemizing them.

(d) Payment of purchase price.--The purchase price for lode claims of $5 for each acre or fraction thereof must be paid.

(e) Diligence.--Application must be completed within a reasonable time and failure to do so will result in its rejection.

The cost of obtaining a patent will vary in every case and includes the deposit with the district cadastral engineer to cover office work in connection with the survey, the amount agreed upon by the applicant and the mineral surveyor for surveying the claim, a filing fee of $10 to be paid to the Register when the application for patent is filed, the cost of furnishing an abstract of title of the claims applied for, the charge of the newspaper for publishing the notice of application, and the payment of the purchase price for the land to the Register when the proofs are completed and the application to purchase the claim is made. There will also be some incidental expense for payment of the officials administering oaths to the applicant and his witnesses and in many cases the applicant will employ an attorney to look after the patent proceedings whose fee must be considered in determining the cost of obtaining patent for a claim.

The applicant should consult the officials in the district land office concerning any matters about which he may not be fully informed.

PLACER CLAIMS

1. A mineral survey must be made of placer claims on unsurveyed lands or surveyed lands when the land cannot be described in terms of the public land survey.

2. Formal notice of the application must be given by posting a notice of intention to apply for a patent on the claim, and, if a mineral survey has been made, a copy of the plat must also be posted.

3. A proper application for patent must be filed in the district land office supported by the following papers:
   (a) Copy of the field notes and plat of survey.
   (b) Proof of posting the plat and notice on the claim.
   (c) Abstract of title or proof of possessory right.
   (d) Proof of citizenship.
   (e) Payment of filing fee.
   (f) Publisher's agreement.
   (g) Notice for publication.
   (h) Notice for posting in district land office.

4. Final proceedings.
    - (a) Proof of publication must be made.
    - (b) Proof of continuous posting of plat and notice on claim during full 60-day period of publication must be made.
    - (c) Affidavit that all fees and charges have been paid must be filed.
    - (d) An application to purchase accompanied by tender of purchase price must be filed.
    - (e) Diligence.

1. Survey

When applying for patent to placer claims on unsurveyed lands or on surveyed lands when the land applied for cannot be described in terms of the public land survey, it will be necessary to have a mineral survey made of the claims.[3] Claimant must apply to the district cadastral engineer for authority to survey the claim (list of titles, addresses and extent of districts of such engineers appended). Form of application may be obtained from the district cadastral engineer. Deposit of a sum estimated by the district cadastral engineer as sufficient to cover cost of making plats and field notes must be made before survey will be authorized. Applicant will, by private contract, arrange with a United States mineral surveyor to make the survey. The applicant may obtain from the district cadastral engineer a list of United States mineral surveyors from which he can select one to employ to survey his claim.

2. Posting on Claim

Applicant will post notice of intention to apply for a patent on the claim, and, if a mineral survey has been made, a copy of the plat must also be posted.

3. Application for Patent

The application must show that applicant has the right of possession to the claim and applicant should state briefly but clearly the facts constituting the basis of his right to a patent and such data as will support the claim that the land applied for is placer ground containing valuable deposits not in vein or lode formation and that title is sought, not to control water courses or to obtain valuable

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[3] Where placer claims are upon surveyed lands and conform to legal subdivisions, no further survey or plat is required.

timber, but in good faith because of the mineral therein. This statement, of course, must depend upon the character of the deposit and the natural features of the ground, but the following details should be covered as fully as possible: If the claim is for a deposit of placer gold, there must be stated the yield per pan, or cubic yard, as shown by prospecting and development work, distance to bedrock, formation and extent of the deposit, and all other facts upon which he bases his allegation that the claim is valuable for its deposits of placer gold. If it is a building stone or deposit other than gold claimed under the placer laws, he must describe fully the amount, nature and extent of the deposits, stating the reasons he regards it as a valuable mineral claim. He will also be required to describe fully the natural features of the claim; streams, if any, must be fully described as to their course, amount of water carried, and fall within the claim; and he must state kind and amount of timber and other vegetation thereon and adaptability to mining or other uses.

If the claim is all placer ground, that fact must be stated in the application and corroborated by accompanying proofs; if of mixed placer and lode, it should be so set out, with a description of all known lodes situated within the boundaries of the claim. A specific declaration must be furnished for each lode intended to be claimed. In all cases, whether the lode is claimed or excluded, it must be surveyed and marked upon the plat, the field notes and plat giving the area of the lode claim or claims and the area of the placer separately. All other known lodes are, by the silence of the applicant, excluded by law from all claim by him, of whatsoever nature, possessory or otherwise.

Although in cases of placers taken by special survey, the mineral surveyors are required to make full examination of all placer claims at the time of survey and file with the field notes a descriptive report, it is proper that the application for patent contain this information under oath. Since no examination and report by a mineral surveyor is available in cases of claims taken by legal subdivisions, the claimant, in his application, should describe in detail the shafts, cuts, tunnels, or other workings claimed as improvements, giving their dimensions, value, and the course and distance thereof to the nearest corner of the public surveys in addition to the data above required. This statement of the description and value of the improvements must be corroborated by the affidavits of two disinterested witnesses.

The application for patent must be under oath and filed in duplicate and it and all supporting affidavits may be verified before an officer authorized to administer oaths within the land district where the claim is situated. Individual claimants must execute the application, except that if claimant is absent from the district, the application must be executed

by an attorney in fact within the land district. Application by a corporation may be executed by its officers, or by an agent or attorney in fact, who has been duly authorized.[4]

The application must be filed in the district land office after notice of application for patent, together with a copy of the plat if a mineral survey has been made, has been posted on the claim, and must be supported by:

(a) Copy of the field notes and plat of survey.

(b) Proof of posting on claim.--The affidavits of two credible witnesses, not claimants or their attorneys in fact, giving data and place of posting, with copy of notice attached to the affidavit.

(c) Abstract of title.--The application for patent must be supported by a certified copy of each location notice and also by an abstract of title of each claim, brought down to a date reasonably near date of filing the application, and must be supplemented later to include date of filing of application, and be certified to by the custodian of the records or by an abstracter, who has been approved by the Commissioner of the General Land Office.

Proof of possessory title.--As to old claims, where the records have been lost or destroyed, and where all controversy over the claims has long since ceased, applicant may furnish a certified copy of the statute of limitations applicable to mining claims in the State, with his affidavit, corroborated by disinterested persons, showing the facts as to the origin and maintenance of his title, the area of the claim, the amount and extent of mining improvements, whether his title has been disputed in court proceedings or otherwise, with details, as well as any other matters known to him which bear upon his right of possession. A certificate, under seal, by the clerk of the court having jurisdiction, that no action involving right of possession to the claim is pending and that there has been no litigation in the court affecting the title to the claim for the time fixed by the statute of limitations in the State other than has been decided in favor of the applicant for patent, must be filed.

(d) Proof of citizenship.--Affidavits of citizenship may be executed either within or without the land district.

(1) Of a native-born citizen, by his affidavit of that fact.

(2) Of one who has declared his intention to become a citizen, or has been naturalized, his affidavit showing date, place,

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[4] Authority of attorney in fact.

(a) Attorney for individual shown by original or certified copy of power of attorney.

(b) Attorney for corporation shown by certified copy of resolution appointing or authorizing official to appoint, with original or certified copy of power of attorney in the latter case.

and the court before which he declared his intention, or from which his naturalization papers issued, and the number of certificate, if known. Of an association, competent evidence as above of each member.

(3) Of a corporation, by a certified copy of its charter, or certificate of incorporation.

(e) Payment of filing fee.

(f) Publisher's agreement.

(g) Notice for publication.--At the expense of applicant in a newspaper designated by the Register; (a) in weekly paper, 9 consecutive insertions; (b) in daily paper, 61 consecutive insertions. In all cases, publication must be in each issue published within a period of 61 days. Sample form containing essential data appended.

(h) Notice for posting in district land office.

4. Final Proceedings

(a) Proof of publication.--The sworn statement of the publisher that the notice was published for the stated period, giving the first and last dates of the publication.

(b) Proof of continuous posting.--The affidavit of the applicant or his duly authorized attorney in fact that the plat and notice remained continuously posted on the claim during the entire period of publication, giving dates.

(c) Proof of fees and charges paid.--Affidavit of claimant or attorney in fact that all fees and charges have been paid, itemizing them.

(d) Payment of purchase price.--The purchase price for placer claims of $2.50 for each acre or fraction thereof must be paid.

(e) Diligence.--Applications must be completed within a reasonable time and failure to do so will result in their rejection.

The cost of obtaining a patent will vary in every case and includes the deposit with the district cadastral engineer to cover office work in connection with the survey, the amount agreed upon by the applicant and the mineral surveyor for surveying the claim, a filing fee of $10 to be paid to the Register when the application for patent is filed, the cost of furnishing an abstract of title of the claims applied for, the charge of the newspaper for publishing the notice of application, and the payment of the purchase price for the land to the Register when the proofs are completed and the application to purchase the claim is made. There will also be some incidental expense for payment of the officials administering oaths to the applicant and his witnesses and in many cases the applicant will employ an attorney to look after the patent proceedings whose fee must be considered in determining the cost of obtaining patent for a claim.

The applicant should consult the officials in the district land office concerning any matters about which he may not be fully informed.

ADVERSE CLAIMS

Adverse claims must be filed within the 60-day period of publication. (In Alaska, eight months' additional time is allowed beyond the 60-day period). The claims must be verified by claimant or attorney in fact (with proof of authority) within the land district, must set forth the nature and extent of the conflict, and the interest of the adverse claimant with certified copy of location certificate. Abstract of title prepared by an authorized abstracter and other necessary papers must be filed. Unless the claim is described by legal subdivisions, a plat showing the extent and boundaries of the claim and the conflict must be filed.

Suit must be commenced in a court of competent jurisdiction to determine the right of possession, within 30 days (in Alaska within 60 days) from the date of filing of the adverse claim, and it must be diligently prosecuted to final judgment.

Upon the filing of an adverse claim and commencement of suit, all proceedings in the land office will be stayed until the controversy shall be settled or the adverse claim waived.

A copy of the judgment roll, certified by the clerk of court or his certificate that suit has been dismissed or withdrawn is required as proof of termination of suit.

SAMPLE FORM OF NOTICE FOR PUBLICATION

It is expected that these notices shall not be so abbreviated as to curtail the description essential to a perfect notice, and on the other hand that they shall not be of unnecessary length. The printed matter must be set solid without paragraphing or any display in the heading and shall be in the usual body type used in legal notices. If other type is used, no allowance will be made for additional space on that account. The number of solid lines only used in advertising by actual count will be allowed. All abbreviations and copy must be strictly followed. The following is a sample of advertisement set up in accordance with Government requirements and contains all the essential data necessary for publication:

> M. A. No. 053715, U. S. Land Office, Los Angeles, California, February 15, 1940. Notice is hereby given that Mary L. Murray, whose address is 6920 Hollywood Blvd., Los Angeles, California, has made application for mineral patent to the Alexander, Two Pagans, Mary L., Sterling and Little Jim Lode Mining Claims, and Numbers One, Two, Three and Four Mill Sites, all under Mineral Survey No. 6043 A. & B., for lands described as follows, to-wit: Mining Claims: Commencing at Cor. No. 1 of the Sterling Lode Mining Claim, U. S. Mineral Survey No. 6043 A and B, whence the S. 1/4 Cor. Sec. 28, T. 3 N., R. 14 W., S. B. M. bears S. 2°44' W., 778.0 ft.; thence N. 29°36' W. 1094.3 ft.; thence N. 1°19' E. 466.3 ft.; thence N. 60°24' E. 360.4 ft.; thence N. 11°31' W., 1100.0 ft.; thence N. 10°41' W., 1500.0 ft.; thence N. 60°24' E. 16.2 ft.; thence N. 25°13' W. 1047.9 ft.; thence N. 60°24' E. 525.0 ft.; thence S. 29°25' E. 1044.9 ft.; thence N. 60°24' E. 16.2 ft.; thence S. 10°41' E. 1500.0 ft.; thence S. 9°51' E. 1111.0 ft.; thence S. 29°13' E. 1494.4 ft.; thence S. 60°24' W. 1190.0 ft. to the place of beginning. Exclusive of conflict with Rice & McAnany No. 2 and Rice & McAnany No. 3 lodes of Survey No. 5490. Mill Sites: Commencing at Cor. No. 1 of Number Two Millsite, U. S. Mineral Survey No. 6043 A. & B., whence the S. 1/4 Cor. Sec. 28, T. 3 N., R. 14 W., S. B. M. bears S. 23°54' W. 628.3 ft.; thence N. 33°10' E., 600 ft.; thence S. 56°50' E. 1452.0 ft.; thence S. 33°10' W. 342.3 ft.; thence N. 89°53' W., 472.5 ft.; thence N. 56°50' W., 1055.9 ft. to the place of beginning. Location notices are recorded as follows--all "Official Records" of Los Angeles County, California, except

SAMPLE FORM OF NOTICE FOR PUBLICATION

It is expected that these notices shall not be so abbreviated as to curtail the description essential to a perfect notice, and on the other hand that they shall not be of unnecessary length. The printed notice must be set solid without paragraphing or any display in the heading and shall be in the usual body type used in legal notices. If other type is used, no allowance will be made for additional space on that account. The number of solid lines only used in advertising by actual count will be allowed. All abbreviations and copy must be strictly followed. The following is a sample of advertisement set up in accordance with Department requirements and contains all the essential data necessary for publication:

M. A. No. 063716, U. S. Land Office, Los Angeles, California, February 15, 1946. Notice is hereby given that Mary A. Murray, whose address is 6000 Hollywood Blvd., Los Angeles, California, has made application for mineral patent to the Alexander, Sam Wagner, Mary A., Sterling and Little Jim Lode Mining Claims, and Marbara Nos. Two, Three and Four Mill Sites, all under Mineral Survey No. 6048 A & B, for lands described as follows, to-wit: Mining Claims: Commencing at Cor. No. 1 of the Sterling Lode Mining Claim, U. S. Mineral Survey No. 6048 A and B, whence the S. 1/4 Cor. Sec. 20, T. 3 N., R. 14 W., S. B. M. bears S. 2°44' W., 775.0 ft.; thence N. 23°38' W., 1094.3 ft.; thence N. 19°10' E. 400.2 ft.; thence N. 49°56' E. 560.4 ft.; thence N. 17°21' W., 1180.0 ft.; thence N. 10°41' W., 1500.0 ft.; thence S. 60°39' E. 16.5 ft.; thence N. 28°18' W. 1047.0 ft.; thence N. 60°34' E. 588.0 ft.; thence S. 28°24' E. 1548.9 ft.; thence N. 60°36' E. 58.3 ft.; thence S. 10°41' E. 1500.0 ft.; thence S. 20°31' E. 1110.0 ft.; thence S. 59°21' W. 1036.4 ft.; thence S. 60°26' W. 1190.0 ft. to the place of beginning. Exclusive of conflict with Mike & McKenzy No. 2 and Mike & McKenzy No. 3 Lodes of Survey No. 5650. Mill Sites: Commencing at Cor. No. 1 of Number Two millsite, U. S. Mineral Survey No. 6048 A & B., whence the S. 1/4 Cor. Sec. 20, T. 3 N., R. 14 W., S. B. M. bears S. 30°54' W. 483.2 ft.; thence N. 33°10' E., 600 ft.; thence S. 56°50' E. 1452.8 ft.; thence S. 33°10' W. 342.2 ft.; thence N. 60°53' W., 473.3 ft.; thence N. 56°50' W. 1083.3 ft. to the place of beginning. Location notices are recorded as follows—all "Official Records" of Los Angeles County, California, except as otherwise noted: Alexander, Book 1318, p. 98; amended location, Book 7436, p. 94; Two Pagans, Book 1328, p. 80; amended location, Book 7458, p. 35; Mary L., Book 1328, p. 80; amended location, Book 8893, p. 390; Sterling, Book 49, p. 215 of Mining locations; amended location, Book 7446, p. 85; Little Jim, Book 1328, p. 79; amended location, Book 5174, p. 310; Mill Sites as follows: No. 1, Book 5807, p. 113; No. 2, Book 5731, p. 366; No. 3, Book 5731, p. 367; No. 4, Book 5609, p. 135. Conflicting claims in addition to those mentioned above: Red Cloud No. 2 Lode, Survey No. 5822, and Little Jim Lode, Survey No. 5866. No other adjoining claims. Paul B. Witmer, Register.

114207

LIST OF DISTRICTS, TITLES AND ADDRESSES OF CADASTRAL ENGINEERS

SUPERVISOR OF SURVEYS

Denver, Colorado.

ALASKA

Juneau:
District Cadastral Engineer.

ARIZONA AND CALIFORNIA

Phoenix:
Office Cadastral Engineer.

Glendale:
District Cadastral Engineer.

COLORADO AND WYOMING

Denver:
District Cadastral Engineer.

Cheyenne:
Office Cadastral Engineer.

IDAHO, WASHINGTON AND MONTANA

Boise:
District Cadastral Engineer.

Olympia:
Office Cadastral Engineer.

Helena:
Office Cadastral Engineer.

NEW MEXICO

Santa Fe:
District Cadastral Engineer.

OREGON

Portland:
District Cadastral Engineer.

UTAH AND NEVADA

Salt Lake City:
District Cadastral Engineer.

Reno:
Office Cadastral Engineer.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

INFORMATION FOR MINERAL PROSPECTORS.

The United States mining laws are applicable to the following States: Arizona, Arkansas, California, Colorado, Florida, Idaho, Louisiana, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington and Wyoming. However, all vacant, unreserved and unappropriated lands in all public land States were temporarily withdrawn by Executive orders of November 26, 1934, and February 5, 1935, under authority granted the President by the act of June 25, 1910 (36 Stat. 847), as amended by the act of August 24, 1912 (37 Stat. 497). The Executive order of November 26, 1934, was issued for the purpose of withdrawing all public lands in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah and Wyoming, pending determination of the most useful purpose to which the lands may be put in consideration of the provisions of the Taylor grazing act of June 28, 1934, and for conservation and development of natural resources. The Executive order of February 5, 1935, was issued for the purpose of withdrawing all public lands in Alabama, Arkansas, Florida, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Nebraska, Oklahoma, Washington and Wisconsin pending determination of the most useful purpose to which such lands may be put in furtherance of certain projects known as "The Land Program, Federal Emergency Relief Administration," and also for conservation and development of natural resources.

As a result of these withdrawals, only lands containing metalliferous mineral deposits remain subject to location under the provisions of the United States mining laws in the States to which such laws apply. Locations cannot be made of lands containing only non-metalliferous deposits.

Deposits from which gold, silver, copper, lead, zinc, mercury and other metallic substances can be extracted are classed as "metalliferous" deposits, while such minerals as limestone, building-stone, gravel, feldspar, etc., are classed as "non-metalliferous."

The orders of withdrawal will remain in full force and effect until revoked or modified by the President or by an act of Congress.

UNITED STATES
DEPARTMENT OF THE INTERIOR

GENERAL LAND OFFICE

Obsolete
Replaced by 1785

◆

Lode and Placer Mining Regulations

◆

Part 185, Title 43
of the Code of Federal Regulations

◆

As Amended to and Including
November 1, 1940

Certain titles and designations in the General Land Office organization were abolished with the establishment of the Bureau of Land Management on July 16, 1946, in accordance with the provisions of Reorganization Plan No. 3 of 1946. Accordingly, in this publication, "Bureau of Land Management" should be substituted for "General Land Office," "Director" for "Commissioner," "Manager" for "Register," "Chief Cadastral Engineer" for "Supervisor of Surveys" and "Regional" for "District" Cadastral Engineer.

UNITED STATES GOVERNMENT PRINTING OFFICE
WASHINGTON : 1947

UNITED STATES DEPARTMENT OF THE INTERIOR

HAROLD L. ICKES, *Secretary*

GENERAL LAND OFFICE

NOVEMBER 1, 1940.

FOREWORD

This pamphlet contains the codification of the rules and regulations assigned to part 185, title 43, of the Code of Federal Regulations, as amended to and including November 1, 1940. The regulations were codified and published pursuant to section 11 of the Federal Register Act, as amended (50 Stat. 304; 44 U.S.C., Sup. 311).

Part 185 contains the general mining regulations. The mining laws are contained in chapter 2, title 30, of the United States Code.

Special regulations relating to the location and entry of mineral lands in Alaska are contained in part 69, title 43, of the Code of Federal Regulations.

The Federal Register Act makes the documents which were codified and published pursuant thereto prima facie evidence of the text of such documents and of the fact that they are in full force and effect on and after the date of publication.

For the text of the regulations issued after November 1, 1940, the daily issues of the Federal Register and pamphlet copies of the regulations issued by the General Land Office should be consulted.

FRED W. JOHNSON,
Commissioner.

TITLE 43—PUBLIC LANDS: INTERIOR

CHAPTER I—GENERAL LAND OFFICE

Subchapter L—Mineral Lands

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SUBPART A—LOCATIONS

GENERAL STATEMENT

Section 185.1 Lands subject to location and purchase. Vacant public surveyed or unsurveyed lands are open to prospecting, and upon discovery of mineral, to location and purchase, as are also lands in national forests in the public-land States, lands entered or patented under the stock raising homestead law (title to minerals only can be acquired), lands entered under other agricultural laws but not perfected, where prospecting can be done peaceably, and lands within the railroad grants for which patents have not issued.* [22] [Par. 3, Circ. 1278, Mar. 12, 1935, 55 I.D. 235]

*§§ 185.1 to 185.97, inclusive, (with exceptions noted in the text,) issued under the authority contained in R.S. 453, 2478; 43 U.S.C. 2, 1201.

185.2 Definition of mineral under mining laws. Whatever is recognized as a mineral by the standard authorities, whether metallic or other substance, when found in public lands in quantity and quality sufficient to render the lands valuable on account thereof, is treated as coming within the purview of the mining laws. Deposits of coal, oil, gas, oil shale, sodium, phosphate, potash, and in Louisiana and New Mexico sulphur, belonging to the United States, can be acquired under the mineral leasing laws, and are not subject to location and purchase under the United States mining laws.* [Par. 5, Circ. 1278, Mar. 12, 1935, 55 I.D. 236]

185.3 Manner of initiating rights under locations. Rights to mineral lands, owned by the United States, are initiated by prospecting for minerals thereon, and, upon the discovery of mineral, by locating the lands upon which such discovery has been made. A location is made by staking the corners of the claim,[23] posting notice of location thereon and complying with the State laws, regarding the recording of the location in the county recorder's office, discovery work, etc.* [24] [Par. 1, Circ. 1278, Mar. 12, 1935, 55 I.D. 235]

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[22] Mining locations may be made in the States of Arizona, Arkansas, California, Colorado, Florida, Idaho, Louisiana, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington and Wyoming, also in the Territory of Alaska.

Lands in national parks and national monuments are not subject to mining location, except in the following cases: The Death Valley National Monument, California, to which the mining laws were extended by the Act of June 13, 1933 (48 Stat. 139; 16 U.S.C. 447), with a reservation of surface rights, the Mount McKinley National Park and the Glacier Bay National Monument, both in Alaska, and the Olympic National Park, Washington.

The surface use of mining claims in the Death Valley National Monument is governed by regulations of the National Park Service, issued by the Secretary of the Interior June 18, 1936, 36 C.F.R. 2.17 (c). The surface use of mining claims in the Glacier Bay National Monument is governed by regulations contained in 43 C.F.R. 69.11.

Lands in Indian reservations are not subject to the United States mining laws, except in the Papago Indian Reservation. See § 185.37.

For mining claims in national forests, see § 185.33.

[23] Except placer claims described by legal subdivision.

[24] As supplemental to the United States mining laws there are State statutes relative to location, manner of recording of mining claims, etc., in the State, which should also be observed in the location of mining claims. Information as to State laws can be obtained locally or from State officials.

*For statutory citation, see note to § 185.1.

185.4 Who may make locations. Citizens of the United States, or those who have declared their intention to become such, including minors who have reached the age of discretion and corporations organized under the laws of any State, may make mining locations. Agents may make locations for qualified locators.* [Par. 7, Circ. 1278, Mar. 12, 1935, 55 I.D. 236]

SUBPART B—NATURE OF MINING CLAIMS

185.5 Classes of claims. Mining claims are of two distinct classes: Lode claims and placers.[25] * [Par. 1, Circ. 430, Apr. 11, 1922, 49 L.D. 58]

LODE CLAIMS

185.6 Lodes located previous to May 10, 1872. The status of lode claims located or patented previous to May 10, 1872 is not changed with regard to their extent along the lode or width of surface; but the claim is enlarged by sections 2322 and 2328, Revised Statutes (30 U.S.C. 26, 33),[26] by investing the locator, his heirs or assigns, with the right to follow, upon the conditions stated therein, all veins, lodes, or ledges, the top or apex of which lies inside of the surface lines of his claim.* [Par. 2, Circ. 430, Apr. 11, 1922, 49 L.D. 58]

185.7 Lodes must not have been adversely claimed. It is to be distinctly understood that the law limits the possessory right to veins, lodes, or ledges, other than the one named in the original location, to such as were not adversely claimed on May 10, 1872, and that where such other vein or ledge was so adversely claimed at that date the right of the party so adversely claiming is in no way impaired by the Act of that date.* [Par. 3, Circ. 430, Apr. 11, 1922, 49 L.D 58]

185.8 Length of lode claims. From and after May 10, 1872, any person who is a citizen of the United States, or who has declared his intention to become a citizen, may locate, record, and hold a mining claim of 1,500 linear feet along the course of any mineral vein or lode subject to location; or an association of persons, severally qualified as above, may make joint location of such claim of 1,500 feet, but in no event can a location of a vein or lode made after May 10, 1872, exceed 1,500 feet along the course thereof, whatever may be the number of persons composing the association.* [Par. 4, Circ 430, Apr 11, 1922, 49 L.D. 58]

185.9 Extent of surface ground. With regard to the extent of surface ground adjoining a vein or lode, and claimed for the convenient working thereof, the Act of May 10, 1872, provides that the lateral extent of locations of veins or lodes made after said date shall in no case exceed 300 feet on each side of the middle of the vein at the surface, and that no such surface rights shall be limited by any mining regulations to less than 25 feet on each side of the middle of the vein at the surface, except where adverse rights existing on May 10, 1872, may render such limitation necessary; the end lines of such claims to be in all cases parallel to each other. Said lateral measurements can not extend beyond 300 feet on either side of the middle of the vein at the surface, or such distance as is allowed by local laws. For example: 400 feet can not be taken on one side and 200 feet on the other. If, however, 300 feet on each side are allowed, and by reason of prior claims but 100 feet can be taken on one side, the locator will not be restricted to less than 300 feet on the other side; and when the locator does not determine by exploration where the middle of the vein at the surface is, his discovery shaft must be assumed to mark such point.* [Par. 5, Circ. 430, Apr. 11, 1922, 49 L.D. 58]

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[25] In addition, there are tunnel sites and mill sites. A mill site location should be made in substantially the same manner as a lode or placer claim (54 I.D. 255).

[26] Sections 2322 and 2328 were incorporated into the Revised Statutes from sections 3 and 9, respectively, of the Act of May 10, 1872 (17 Stat. 91, 94; 30 U.S.C. 26, 33)

185.10 Restriction on width of claims by local laws. No lode located after May 10, 1872, can exceed a parallelogram 1,500 feet in length by 600 feet in width, but whether surface ground of that width can be taken depends upon the local regulations or State or Territorial laws in force in the several mining districts. No such local regulations or State or Territorial laws shall limit a vein or lode claim to less than 1,500 feet along the course thereof, whether the location is made by one or more persons nor can surface rights be limited to less than 50 feet in width unless adverse claims existing on May 10, 1872, render such lateral limitation necessary.* [Par. 6, Circ. 430, Apr. 11, 1922, 49 L.D. 59]

185.11 Defining of locations by claimants.[27] Locators can not exercise too much care in defining their locations at the outset, inasmuch as section 5 of the Act of May 10, 1872 (17 Stat. 92; 30 U.S.C. 28) requires that all records of mining locations made subsequent to the date of said Act shall contain the name or names of the locators, the date of the location, and such a description of the claim or claims located, by reference to some natural object or permanent monument, as will identify the claim.* [Par. 7, Circ. 430, Apr. 11, 1922, 49 L.D. 59]

185.12 Discovery required before location. No lode claim shall be located until after the discovery of a vein or lode within the limits of the claim, the object of which provision is evidently to prevent the appropriation of presumed mineral ground for speculative purposes, to the exclusion of bona fide prospectors, before sufficient work has been done to determine whether a vein or lode really exists.* [Par. 8, Circ. 430, Apr. 11, 1922, 49 L.D. 59]

185.13 Discovery work. The claimant should, therefore, prior to locating his claim, unless the vein can be traced upon the surface, sink a shaft or run a tunnel or drift to a sufficient depth therein to discover and develop a mineral-bearing vein, lode, or crevice; should determine, if possible, the general course of such vein in either direction from the point of discovery, by which direction he will be governed in marking the boundaries of his claim on the surface.* [Par. 9, Circ. 430, Apr. 11, 1922, 49 L.D. 59]

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[27] Section 5 of the Act of May 10, 1872, now section 2324 Revised Statutes (30 U.S.C. 28), requires that "the location must be distinctly marked on the ground so that its boundaries can be readily traced."

*For statutory citation, see note to § 185.1.

185.14 Location notice; monumenting. The location notice should give the course and distance as nearly as practicable from the discovery shaft on the claim to some permanent, well-known points or objects, such, for instance, as stone monuments, blazed trees, the confluence of streams, point of intersection of well-known gulches, ravines, or roads, prominent buttes, hills, etc., which may be in the immediate vicinity, and which will serve to perpetuate and fix the locus of the claim and render it susceptible of identification from the description thereof given in the record of locations in the district, and should be duly recorded.

In addition to the foregoing data, the claimant should state the names of adjoining claims, or, if none adjoin, the relative positions of the nearest claims; should drive a post or erect a monument[28] of stones at each corner of his surface ground, and at the point of discovery or discovery shaft should fix a post, stake or board, upon which should be designated the name of the lode, the name or names of the locators, the number of feet claimed, and in which direction from the point of discovery, it being essential that the location notice filed for record, in addition to the foregoing description, should state whether the entire claim of 1,500 feet is taken on one side of the point of discovery, or whether it is partly upon one and partly upon the other side thereof, and in the latter case, how many feet are claimed upon each side of such discovery point.* [Pars. 9, 10, Circ. 430, Apr. 11, 1922, 49 L.D. 59]

185.15 Location notices to be recorded. The location notice must be filed for record in all respects as required by the State or Territorial laws and local rules and regulations, if there be any.* [Par. 11, Circ. 430, Apr. 11, 1922, 49 L.D. 60]

185.16 Annual assessment work.[29] In order to hold the possessory title to a mining claim located prior to May 10, 1872, the law requires that $10 shall be expended annually in labor or improvements for each 100 feet in length along the vein or lode. In order to hold the possessory right to a location made since May 10, 1872, not less than $100 worth of labor must be performed or improvements made thereon annually. Under the provisions of the Act of January 22,

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[28] As to the importance of monuments, and as to their paramount authority, see the Act of April 28, 1904 (33 Stat. 545; 30 U.S.C. 34), which amended section 2327 R.S.

[29] The requirement of annual assessment work on mining claims has been suspended during certain years by the following acts:

October 5, 1917 (40 Stat. 343)
February 28, 1919 (40 Stat. 1213)
November 13, 1919 (41 Stat. 354)
December 31, 1920 (41 Stat. 1084)
August 24, 1921 (42 Stat. 186; 30 U.S.C. 28)
June 6, 1932 (47 Stat. 290)
  as amended June 30, 1932 (47 Stat. 474)
May 18, 1933 (48 Stat. 72)
May 15, 1934 (48 Stat. 777)
June 13, 1935 (49 Stat. 337)
April 24, 1936 (49 Stat. 1238)
June 24, 1937 (50 Stat. 306)
June 29, 1938 (52 Stat. 1243)

The time to commence assessment work for the year beginning July 1, 1938 was extended by the act of June 30, 1939 (53 Stat. 991) to September 1, 1939.

*For statutory citation, see note to § 185.1.

1880, the first annual expenditure became due and must have been performed during the calendar year succeeding that in which the location was made. By the Act of August 24, 1921 (42 Stat. 186; 30 U.S.C. 28), it was provided that the assessment period should thereafter commence at 12 o'clock meridian on the first day of July succeeding the date of the location of the claim and that on valid existing claims the annual period ending December 31, 1921 should continue to 12 o'clock meridian, July 1, 1922. Where a number of contiguous claims are held in common, the aggregate expenditure that would be necessary to hold all the claims, may be made upon any one claim. Cornering locations are held not to be contiguous.* [Par. 12, Circ. 430, Apr. 11, 1922, 49 L.D. 60]

185.17 Failure to perform annual assessment work. Failure to make the expenditure or perform the labor required upon a location made before or since May 10, 1872 will subject a claim to relocation, unless the original locator, his heirs, assigns, or legal representatives have resumed work after such failure and before relocation.* [Par. 13, Circ. 430, Apr. 11, 1922, 49 L.D. 60]

185.18 Determination of right of possession between rival claimants. The annual expenditure of $100 in labor or improvements on a mining claim, required by section 2324 of the Revised Statutes (30 U.S.C. 28), is, with the exception of certain phosphate placer locations, validated by the Act of January 11, 1915 (38 Stat. 792; 30 U.S.C. 131), under which regulations were issued March 31, 1915 (Circ. 396; 44 L.D. 46), solely a matter between rival or adverse claimants to the same mineral land, and goes only to the right of possession, the determination of which is committed exclusively to the courts.* [Par. 55, Circ. 430, Apr. 11, 1922, 49 L.D. 73]

185.19 Annual assessment work not required after patent certificate. Annual expenditure is not required subsequent to entry, the date of issuing the patent certificate being the date contemplated by statute.* [Par. 14, Circ. 430, Apr. 11, 1922, 49 L.D. 60]

185.20 Failure of a co-owner to contribute to annual assessment work. Upon the failure of any one of several co-owners to contribute his proportion of the required expenditures, the co-owners, who have performed the labor or made the improvements as required, may, at the expiration of the year, give such delinquent co-owner personal notice in writing, or notice by publication in the newspaper published nearest the claim for at least once a week for 90 days; and if upon the expiration of 90 days after such notice in writing, or upon the expiration of 180 days after the first newspaper publication of notice, the delinquent co-owner shall have failed to contribute his proportion to meet such expenditures or improvements, his interest in the claim by law passes to his co-owners who have made the expenditures or improvements as aforesaid. Where a claimant alleges ownership of a forfeited interest under the foregoing provision, the sworn statement of the publisher as to the facts of publication, giving dates, and a printed copy of the notice published, should be furnished, and the claimant must swear that the delinquent co-owner failed to contribute his proper proportion within the period fixed by the statute.* [Par. 15, Circ. 430, Apr. 11, 1922, 49 L.D. 60]

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*For statutory citation, see note to § 185.1.

TUNNEL SITES

185.21 Possessory right of tunnel proprietor. The effect of section 2323, Revised Statutes (30 U.S.C. 27), is to give the proprietors of a mining tunnel run in good faith the possessory right to 1,500 feet of any blind lodes cut, discovered, or intersected by such tunnel, which were not previously known to exist within 3,000 feet from the face or point of commencement of such tunnel, and to prohibit other parties, after the commencement of the tunnel, from prospecting for and making locations of lodes on the line thereof and within said distance of 3,000 feet, unless such lodes appear upon the surface or were previously known to exist. The term "face," as used in said section, is construed and held to mean the first working face formed in the tunnel, and to signify the point at which the tunnel actually enters cover; it being from this point that the 3,000 feet are to be counted upon which prospecting is prohibited as aforesaid.* [80] [Par. 16, Circ. 430, Apr. 11, 1922, 49 L.D. 60]

185.22 Location of tunnel claims. To avail themselves of the benefits of this provision of law, the proprietors of a mining tunnel will be required, at the time they enter cover as aforesaid, to give proper notice of their tunnel location by erecting a substantial post, board, or monument at the face or point of commencement thereof, upon which should be posted a good and sufficient notice, giving the names of the parties or company claiming the tunnel right; the actual or proposed course or direction of the tunnel, the height and width thereof, and the course and distance from such face or point of commencement to some permanent well-known objects in the vicinity by which to fix and determine the locus in manner heretofore set forth applicable to locations of veins or lodes, and at the time of posting such notice they shall, in order that miners or prospectors may be enabled to determine whether or not they are within the lines of the tunnel, establish the boundary lines thereof, by stakes or monuments placed along such lines at proper intervals, to the terminus of the 3,000 feet from the face or point of commencement of the tunnel, and the lines so marked will define and govern as to specific boundaries within which prospecting for lodes not previously known to exist is prohibited while work on the tunnel is being prosecuted with reasonable diligence.* [Par. 17, Circ. 430, Apr. 11, 1922, 49 L.D. 61]

185.23 Recording of notices. A full and correct copy of such notice of location defining the tunnel claim must be filed for record with the mining recorder of the district, to which notice must be attached the sworn statement or declaration of the owners, claimants, or projectors of such tunnel, setting forth the facts in the case; stating the amount expended by themselves and their predecessors in interest in prosecuting work thereon; the extent of the work performed, and that it is bona fide their intention to prosecute work on the tunnel so located and described with reasonable diligence for the development of a vein or lode, or for the discovery of mines, or both, as the case may be. This notice of location must be duly recorded, and, with the said sworn statement attached, kept on the recorder's files for future reference.* [Par. 18, Circ. 430, Apr. 11, 1922, 49 L.D. 61]

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[80] Section 2323 of the Revised Statutes provides: "Failure to prosecute the work on the tunnel for six months shall be considered as an abandonment of the right to all undiscovered veins on the line of such tunnel."

PLACER CLAIMS

185.24 Maximum allowable acreage. By section 2330 of the Revised Statutes (30 U.S.C. 36), it is declared that no location of a placer claim made after July 9, 1870, shall exceed 160 acres for any one person or association of persons, which location shall conform to the United States surveys.

Section 2331 of the Revised Statutes (30 U.S.C. 35) provides that all placer-mining claims located after May 10, 1872, shall conform as nearly as practicable with the United States system of public land surveys and the rectangular subdivisions of such surveys, and such locations shall not include more than 20 acres for each individual claimant.

The foregoing provisions of law are construed to mean that after July 9, 1870 no location of a placer claim can be made to exceed 160 acres, whatever may be the number of locators associated together, or whatever the local regulations of the district may allow; and that from and after May 10, 1872, no location can exceed 20 acres for each individual participating therein; that is, a location by two persons can not exceed 40 acres, and one by three persons can not exceed 60 acres.* [Pars. 27, 28, 29, Circ. 430, Apr. 11, 1922, 49 L.D. 63]

185.25 Discovery. But one discovery of mineral is required to support a placer location, whether it be of 20 acres by an individual, or of 160 acres or less by an association of persons.* [Par. 19, Circ. 430, Apr. 11, 1922, 49 L.D. 61]

185.26 Locations authorized in 10-acre units. By section 2330 of the Revised Statutes (30 U.S.C. 36), authority is given for subdividing 40-acre legal subdivisions into 10-acre tracts. These 10-acre tracts should be considered and dealt with as legal subdivisions, and an applicant having a placer claim which conforms to one or more of such 10-acre tracts, contiguous in case of two or more tracts, may make entry thereof, after the usual proceedings, without further survey or plat.* [Par. 23, Circ. 430, Apr. 11, 1922, 49 L.D. 62]

185.27 Manner of describing 10-acre units. A 10-acre subdivision may be described, for instance if situated in the extreme northeast of the section, as the " NE. ¼ of the NE. ¼ of the NE. ¼ " of the section, or, in like manner, by appropriate terms, wherever situated; but, in addition to this description, the notice must give all the other data required in a mineral application, by which parties may be put on inquiry as to the land sought to be patented. The proofs submitted with applications must show clearly the character and extent of the improvements upon the premises.* [Par. 24, Circ. 430, Apr. 11, 1922, 49 L.D. 62]

185.28 Conformity of placer claims to the public land surveys. All placer-mining claims located after May 10, 1872 shall conform as near as practicable with the United States system of public-land surveys and the rectangular subdivisions of such surveys, whether the locations are upon surveyed or unsurveyed lands.

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*For statutory citation, see note to § 185.1.

Conformity to the public-land surveys and the rectangular subdivisions thereof will not be required where compliance with such requirement would necessitate the placing of the lines thereof upon other prior located claims or where the claim is surrounded by prior locations.

Where a placer location by one or two persons can be entirely included within a square 40-acre tract, by three or four persons within two square 40-acre tracts placed end to end, by five or six persons within three square 40-acre tracts, and by seven or eight persons within four square 40-acre tracts, such locations will be regarded as within the requirements where strict conformity is impracticable.

Whether a placer location conforms reasonably with the legal subdivisions of the public surveys is a question of fact to be determined in each case, and no location will be passed to patent without satisfactory evidence in this regard. Claimants should bear in mind that it is the policy of the Government to have all entries whether of agricultural or mineral lands as compact and regular in form as reasonably practicable, and that it will not permit or sanction entries or locations which cut the public domain into long narrow strips or grossly irregular or fantastically shaped tracts. (Snow Flake Fraction Placer, 37 L.D. 250.)* [Par. 30, Circ. 430, Apr. 11, 1922, 49 L.D. 63]

185.29 Annual expenditures. The annual expenditure to the amount of $100, required by section 2324, Revised Statutes (30 U.S.C. 28), must be made upon placer as well as lode locations.* [Par. 25, Circ. 430, Apr. 11, 1922, 49 L.D. 62]

185.30 Building stone placers. The Act of August 4, 1892 (27 Stat. 348; 30 U.S.C. 161) extends the mineral land laws so as to bring lands chiefly valuable for building stone within the provisions of said laws.* [Par. 20, Circ. 430, Apr. 11, 1922, 49 L.D. 61]

185.31 Saline placers. Under the Act approved January 31, 1901 (31 Stat. 745; 30 U.S.C. 162),[31] extending the mining laws to saline lands, the provisions of the law relating to placer-mining claims are extended to all States and the Territory of Alaska, so as to permit the location and purchase thereunder of all unoccupied public lands containing salt springs, or deposits of salt in any form, and chiefly valuable therefor, with the proviso, "That the same person shall not locate or enter more than one claim hereunder."

Rights obtained by location under the placer-mining laws are assignable, and the assignee may make the entry in his own name; so, under this Act a person holding as assignee may make entry in his own name: Provided, he has not held under this Act, at any time, either as locator or entryman, any other lands; his right is exhausted by having held under this Act any particular tract, either as locator or entryman, either as an individual or as a member of an association. It follows, therefore, that no application for patent or entry, made under this Act, shall embrace more than one single location.

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[31] This Act was superseded by the Mineral-Leasing Act of February 25, 1920 (41 Stat. 437; 30 U.S.C. 181 et seq.), whereby saline (sodium) deposits were made subject to disposal by leases instead of mining locations.

In order that the conditions imposed by the proviso, as set forth in the above paragraph, may duly appear, the application for patent must contain or be accompanied by a specific statement under oath by each person whose name appears therein that he never has, either as an individual or as a member of an association, located or entered any other lands under the provisions of this Act. The application for patent should also be accompanied by a showing under oath, fully disclosing the qualifications as defined by the proviso, of the applicants' predecessors in interest.* [Pars. 31, 32, 33, Circ. 430, Apr. 11, 1922, 49 L.D. 64]

185.32 Petroleum placers. The Act of February 11, 1897 (29 Stat. 526) provides for the location and entry of public lands chiefly valuable for petroleum or other mineral oils, and entries of that nature made prior to the passage of said Act are to be considered as though made thereunder.* [32] [Par. 21, Circ. 430, Apr. 11, 1922, 49 L.D. 62]

SUBPART C—AREAS SUBJECT TO SPECIAL LAWS [33]

185.33 Mining claims in national forests. The Act of June 4, 1897 (30 Stat. 36) provides that "any mineral lands in any forest reservation which have been or which may be shown to be such, and subject to entry under the existing mining laws of the United States and the rules and regulations applying thereto, shall continue to be subject to such location and entry," notwithstanding the reservation. This makes mineral lands in the forest reserves subject to location and entry under the general mining laws in the usual manner.* [34] [Par. 114, Circ. 430, Apr. 11, 1922, 49 L.D. 85]

Cross Reference: For use of mining claims and mineral lands in national forests, Forest Service, see 36 CFR 251.6, 251.12, 251.15, 251.16.

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[32] This Act was superseded by the Mineral Leasing Act of February 25, 1920 (41 Stat. 437).

[33] Mining locations may be made in the States of Arizona, Arkansas, California, Colorado, Florida, Idaho, Louisiana, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington and Wyoming, also in the Territory of Alaska.

Lands in national parks and national monuments are not subject to mining location, except in the following cases: The Death Valley National Monument, California, to which the mining laws were extended by the Act of June 13, 1933 (48 Stat. 139; 16 U.S.C. 447), with a reservation of surface rights, and the Mount McKinley National Park and the Glacier Bay National Monument, both in Alaska.

The surface use of mining claims in the Death Valley National Monument is governed by regulations of the National Park Service, issued by the Secretary of the Interior June 18, 1936, 36 C.F.R. 2.17 (c). The surface use of mining claims in the Glacier Bay National Monument is governed by regulations contained in 43 C.F.R. 69.11.

Lands in Indian reservations are not subject to the United States mining laws, except in the Papago Indian Reservation. See § 185.37.

[34] Locators must comply with forest regulations.

Mining claims cannot be located on lands in national forests acquired under the Act of March 1, 1911 (36 Stat. 962ff; 16 U.S.C. 513–519) known as the Weeks Act. See Act of March 4, 1917 (39 Stat. 1150; 16 U.S.C. 520).

Mineral locations on lands within the Mount Hood National Forest, Oregon, are governed by the Act of May 11, 1934 (48 Stat. 773; 16 U.S.C. 482b–482d).

MINING CLAIMS IN OLYMPIC NATIONAL PARK, WASHINGTON

185.33a Statutory authority. By the Act of Congress approved June 29, 1938 (52 Stat. 1242), the Mount Olympus National Monument was abolished and certain described lands, including the lands in the Monument, were reserved, withdrawn from disposal, and dedicated and set apart as a public park to be known as the Olympic National Park. The Act provides that valid existing claims shall not be affected thereby.

Section 2 of the Act provides:

> That in the areas of said park lying east of the range line between ranges 9 and 10 and north of the seventh standard parallel, and east of the range line between ranges 4 and 5 west, Willamette meridian, all mineral deposits of the classes and kinds now subject to location, entry, and patent under the mining laws of the United States shall be, exclusive of the land containing them, subject to disposal under such laws for a period of five years from the date of approval of this Act, with rights of occupation and use of so much of the surface of the land as may be required for all purposes reasonably incident to the mining or removal of the minerals and under such general regulations as may be prescribed by the Secretary of the Interior.**

[Circ. 1456, Mar. 3, 1939]

185.33b Mining locations during 5-year period. Under the provisions of Section 2 of the Act the lands within the area described in that section are, for a period of five years from the date of the Act, open to prospecting for the kinds of mineral subject to location under the United States mining laws and upon discovery of any such mineral, locations may be made in accordance with the provisions of the mining laws and regulations thereunder. Such locations duly made within the 5-year period will carry all the rights and incidents of mining locations, except that they will give to the locator no title to the land within their boundaries, or claim thereto, except the right to occupy and use so much of the surface of the land as required for all purposes reasonably necessary to mine and remove the minerals, such occupation and use to be under general regulations prescribed by the Secretary of the Interior. No prospecting may be done or locations made on the land after the expiration of the 5-year period from the date of this Act, but the right to remove mineral deposits from valid locations made during the 5-year period may be maintained thereafter by complying with the requirements of the United States mining laws and these regulations.** [Circ. 1456, Mar. 3, 1939]

185.33c Cutting of timber. The locator of a mining claim within the area described in Section 2 of the Act may cut timber within the boundaries of his claim for mining and domestic uses only with the permission of the superintendent of the park or his representative who will designate the timber to be cut. All slash, brush or debris resulting from the cutting of timber upon mining claims shall be disposed of by the locator in such manner and at such time as may be designated by the National Park Service officer in charge so as to prevent the creation of fire hazards, or conditions conducive to the development of infestation by timber-destroying insects.** [Circ. 1456, Mar. 3, 1939]

**Issued under authority of section 2, Act approved June 29, 1938. (52 Stat. 1242.)

*For statutory citation, see note § 185.1.

185.33 d Construction of trails and roads. Prospectors or miners shall not open or construct roads or vehicle trails without first obtaining a permit from the Director of the National Park Service. Applications for such permits may be made through the officer in charge of the park upon submitting a map or sketch showing the location of the mining property to be served and the location of the proposed road or vehicle trail. The permit may be conditioned upon the permittee maintaining the road or trail in a passable condition, satisfactory to the superintendent of the park, so long as it is used by the permittee or his successors.* [Circ. 1456, Mar. 3, 1939]

185.33 e Occupation and use of surface. Occupation and use of the surface of a mining claim is restricted by Section 2 of the Act to such as is reasonbaly incident to the exploration, development and extraction of the minerals in the claim. Accordingly, any locator or patentee of a mining claim located under this section of the Act will be entitled to such right. A locator or patentee shall not be entitled to the exclusive use of any hot or mineral springs which may be within the boundaries of his claim, or to any use of such springs for other than mining purposes. Prospectors and miners shall at all times conform to any rules now prescribed or which may be made applicable by the Secretary of the Interior to this park. Special attention is directed to those regulations prohibiting hunting, trapping, and the carrying of firearms within the boundaries of the park.* [Circ. 1456, Mar. 3, 1939]

185.33 f Termination of right to use of surface of mining claims. The right of occupation and use of the surface of the land embraced in the boundaries of a location, entry or patent pursuant to Section 2 of the Act will terminate when the minerals are mined out or the claim is abandoned. Any locator of an unpatented claim who fails to perform annual assessment work on his claim for any assessment period will be assumed to have abandoned his claim, and his right of occupation and use of the surface of the claim considered at an end.*

185.33 g Title to minerals only. Applications for patents and final certificates issued thereon for mining claims located under Section 2 of the Act should be noted "Olympic National Park Lands", and all patents issued for such claims will convey title to the minerals only, and contain appropriate reference to the Act and these regulations.* [Circ. 1456, Mar. 3, 1939]

185.34 Minerals in city of Prescott watershed. The Act of January 19, 1933 (47 Stat. 771; 16 U.S.C. 482a) applies to approximately 3600 acres in the city of Prescott municipal watershed. Rights acquired under mining locations made after the date of the Act on any of the described lands are limited to the right to occupy and use so much of the surface of the land covered by the location as is reasonably necessary to carry on prospecting and mining, including the taking of mineral deposits and timber required by or in the mining operations; and patents for such locations shall convey title to the mineral deposits and a limited right to cut and remove timber for mining purposes, such patent to reserve to the United States all title in or to the surface of the lands and products thereof.

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*For statutory citation, see note to § 185.33a.

The register will note on the face of all applications for patent for mining claims embracing any of the described lands that the same are subject to the conditions, provisions, limitations and reservations of the Act, except applications for claims located prior to the date of the Act and as to which the applicants expressly request patent under the provisions of the general mining laws. Patents issued subject to the Act will contain appropriate conditions with respect to cutting of timber and reservation of surface in the United States.

Under section 3 of the Act (47 Stat. 771; 16 U.S.C. 482a), valid claims existing at the date of the act and thereafter maintained may be perfected under this Act or under the law under which they were initiated, as the claimant may desire. Such claimant may, therefore, continue the development of his claim under the provisions of the Act and secure patent for the mineral deposits only under its provisions, or he may continue to hold under the general mining laws and secure patent which will convey to him the surface as well as the minerals in the claim.* [Circ. 1298, May 4, 1933, 54 I.D. 207]

185.35 Mineral locations in stock driveway withdrawals. Under authority of the provisions of the Act of January 29, 1929 (45 Stat. 1144; 43 U.S.C. 300), the rules, regulations, and restrictions in this section are prescribed for prospecting for minerals of the kinds subject to the United States mining laws, and the locating of mining claims upon discovery of such minerals, in lands within stock driveway withdrawals made before or after May 4, 1929.

All prospecting and mining operations shall be conducted in such manner as to cause no interference with the use of the surface of the land for stock driveway purposes, except such as may actually be necessary.

While a mining location will be made in accordance with the usual procedure for locating mining claims, and will describe a tract of land, having due regard to the limitations of area fixed by the mining laws, the locator will be limited under his location to the right to the minerals discovered in the land and to mine and remove the same, and to occupy so much of the surface of the claim as may be required for all purposes reasonably incident to the mining and removal of the minerals.

All excavations and other mining work and improvements made in prospecting and mining operations shall be fenced or otherwise protected to prevent the same from being a menace to stock on the land.

No watering places shall be inclosed, nor proper and lawful access of stock thereto prevented, nor the watering of stock thereat interfered with.

Prospecting for minerals and the location of mining claims on lands included in such withdrawals shall be subject to the provisions and conditions of the mining laws and the regulations thereunder.

Mining claims on lands within stock driveway withdrawals, located prior to May 4, 1929 and subsequent to the date of the withdrawal, may be held and perfected subject to the provisions and conditions of the Act and the regulations in this section.

*For statutory citation, see note to § 185.1.

Every application for patent for any minerals located subject to this Act must bear on its face, before being executed by the applicant and presented for filing, the following notation:

> Subject to the provisions of section 10 of the Act of December 29, 1916 (39 Stat. 862), as amended by the Act of January 29, 1929 (45 Stat. 1144).

Like notation will be made by the register on the final certificate issued on such a mineral application.

Patents issued on such applications will contain the added condition:

> That this patent is issued subject to the provisions of the Act of December 29, 1916 (39 Stat. 862), as amended by the Act of January 29, 1929 (45 Stat. 1144), with reference to the disposition, occupancy and use of the land as permitted to an entryman under said Act.

*[Circ. 1189, May 4, 1929]

185.36 Mineral locations in reclamation withdrawals. The Act of April 23, 1932, (47 Stat. 136; 43 U.S.C. 154) authorizes the Secretary of the Interior in his discretion to open to location, entry and patent under the general mining laws with reservation of rights, ways and easements, public lands of the United States which are known or believed to contain valuable deposits of minerals and which are withdrawn from development and acquisition because they are included within the limits of withdrawals made pursuant to section 3 of the reclamation Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416).

Application to open lands to location under the act may be filed by a person, association or corporation qualified to locate and purchase claims under the general mining laws. The application must be executed in duplicate, be under oath and filed in the land office of the district in which the lands are situated, must describe the land the applicant desires to locate, by legal subdivision if surveyed, or by metes and bounds if unsurveyed, and must set out the facts upon which is based the knowledge or belief that the lands contain valuable mineral deposits, giving such detail as the applicant may be able to furnish as to the nature of the formation, kind and character of the mineral deposits.

When the application is received in the General Land Office, if found satisfactory, the duplicate will be transmitted to the Bureau of Reclamation with request for report and recommendation. In case the Commissioner, Bureau of Reclamation, makes an adverse report on the application, it will be rejected subject to right of appeal.

If in the opinion of the Commissioner, Bureau of Reclamation, the lands may be opened under the Act without prejudice to the rights of the United States, he will in his report recommend the reservation of such ways, rights and easements as he considers necessary or appropriate, and/or the form of contract to be executed by the intending locator or entryman as a condition precedent to the vesting of any rights in him, which in his opinion may be necessary for the protection of the irrigation interests.

Upon receipt of a favorable report from the Commissioner, Bureau of Reclamation, containing the necessary data, the Commissioner of the General Land Office will submit the application to the Secretary of the Interior with appropriate recommendation that the land be opened to location, entry and patent under the mining laws, subject to such reservations, and/or contract to be entered into by the intending locator.* [Circ. 1275, June 22, 1932, 53 I.D. 706]

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*For statutory citation. see note to § 185.1.

185.37 Mineral locations in Papago Indian Reservation. The Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 461–479), as amended by the Act of August 28, 1937 (50 Stat. 862; 25 U.S.C., Sup., 463), revokes departmental order of October 28, 1932, which temporarily withdrew from all forms of mineral entry or claim the lands within the Papago Indian Reservation and restores, as of June 18, 1934, such lands to exploration, location and purchase under the existing mining laws of the United States.

The procedure in the location of mining claims, performance of annual labor and the prosecution of patent proceedings therefor shall be the same as provided by the United States mining laws and regulations thereunder, with the additional requirements hereinafter prescribed.

In addition to complying with the existing laws and regulations governing the recording of mining locations with the proper local recording officer, the locator of a mining claim within the Papago Indian Reservation shall furnish to the superintendent or other officer in charge of the reservation, within 90 days of such location, a copy of the location notice, together with a sum amounting to 5 cents for each acre and 5 cents for each fractional part of an acre embraced in the location for deposit with the Treasury of the United States to the credit of the Papago Tribe as yearly rental. Failure to make the required annual rental payment in advance each year until an application for patent has been filed for the claim shall be deemed sufficient grounds for invalidating the claim. The payment of annual rental must be made to the superintendent or other officer in charge of the reservation each year on or prior to the anniversary date of the mining location.

Where a mining claim is located within the reservation, the locator shall pay to the superintendent or other officer in charge of the reservation damages for the loss of any improvements on the land in such a sum as may be determined by the Secretary of the Interior to be a fair and reasonable value of such improvements, for the credit of the owner thereof. The value of such improvements may be fixed by the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, and payment in accordance with such determination shall be made within 1 year from date thereof.

At the time of filing with the register an application for mineral patent for lands within the Papago Indian Reservation the applicant shall furnish, in addition to the showing required under the general mining laws, a statement from the superintendent or other officer in charge of the reservation, that he has deposited with the proper official in charge of the reservation for deposit in the Treasury of the United States to the credit of the Papago Tribe a sum equal to $1 for each acre and $1 for each fractional part of an acre embraced in the application for patent in lieu of annual rental, together with a statement from the superintendent or other officer in charge of the reservation

*For statutory citation, see note to § 185.1.

that the annual rentals have been paid each year and that damages for loss of improvements, if any, have been paid.

Upon the filing in the office of the register of an application for patent for land within the reservation, together with the evidence required in the preceding paragraph, the register will, if no reason appears for rejecting the application, proceed to publish a notice as provided for by the mining regulations. The register will forward copies of the notice of application for patent to the superintendent of the reservation and to the special agent in charge at Albuquerque, New Mexico, endorsing thereon "within Papago Indian Reservation," requesting both to report in accordance with the instructions of December 5, 1916 (45 L.D. 539).

The Act provides that in case patent is not acquired the sum deposited in lieu of annual rentals shall be refunded. Where patent is not acquired, such sums due as annual rentals but not paid during the period of patent application shall be deducted from the sum deposited in lieu of annual rental. Applications for refund shall be filed in the office of the register and should follow the general procedure in applications for repayment.

Water reservoirs, charcos, water holes, springs, wells, or any other form of water development by the United States or the Papago Indians shall not be used for mining purposes under the terms of the said Act of August 28, 1937, except under permit from the Secretary of the Interior approved by the Papago Indian Council.

A mining location may be located on any portion of a 10 acre legal subdivision containing water reservoirs, charcos, water holes, springs, wells or any other form of water development by the United States or the Papago Indians except under a permit from the Secretary of the Interior approved by the Papago Indian Council which permit shall contain such stipulations, restrictions, and limitations regarding the use of the land for mining purposes as may be deemed necessary and proper to permit the free use of the water thereon by the United States or the Papago Indians.

The term "locator" wherever used in this section shall include and mean his successors, assigns, grantees, heirs and all others claiming under or through him.* [Circ. 1347, Nov. 13, 1937]

SUBPART D—PROCEDURE TO OBTAIN PATENT

LODE CLAIMS

185.38 Application for survey. The claimant is required, in the first place, to have a correct survey of his claim made under authority of the proper district cadastral engineer, such survey to show with accuracy the exterior surface boundaries of the claim, which boundaries are required to be distinctly marked by monuments on the ground.*[85] [Par. 34, Circ. 430, Apr. 11, 1922, 49 L.D. 64]

185.39 Survey must be made subsequent to recording notice of location. The survey and plat of mineral claims required to be filed in the proper land office with application for patent must be made subsequent to the recording of the location of the claim (if the laws of the State or Territory or the regulations of the mining district require the notice of location to be recorded), and when the original location is made by survey of a mineral surveyor such location survey can not be substituted for that required by the statute, as above indicated.*[86] [Par. 35, Circ. 430, Apr. 11, 1922, 49 L.D. 65]

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[85] Application for authorization of survey should be made to the district cadastral engineer of the appropriate Public Survey Office. In States which do not have a public survey office, applications for survey should be made to the Commissioner of the General Land Office, Washington, D. C.

*For statutory citation, see note to § 185.1.

185.40 Plats and field notes of mineral surveys. As to plats of survey of mining claims outside of the Territory of Alaska, the commissioner will have three photolithographic copies made upon drawing paper, which copies, with the original plat, will be forwarded to the district cadastral engineer, to be filed and disposed of as follows: One plat and the original field notes to be retained in the office of the district cadastral engineer, one plat to be given the claimant for posting upon the claim; one plat and a copy of the field notes to be given the claimant for filing with the proper register, to be finally transmitted by that officer, with other papers in the case, to the General Land Office, and one plat to be sent by the district cadastral engineer, to the register of the proper land district, to be retained in his files for future reference.* [Par. 34, Circ. 430, Apr. 11, 1922, 49 L.D. 65]

185.41 Particulars to be observed in mineral surveys. The following particulars should be observed in the survey of every mining claim:

(a) The exterior boundaries of the claim, the number of feet claimed along the vein, and, as nearly as can be ascertained, the direction of the vein, and the number of feet claimed on the vein in each direction from the point of discovery or other well-defined place on the claim should be represented on the plat of survey and in the field notes.

(b) The intersection of the lines of the survey with the lines of conflicting prior surveys should be noted in the field notes and represented upon the plat.

(c) Conflicts with unsurveyed claims, where the applicant for survey does not claim the area in conflict, should be shown by actual survey.

(d) The total area of the claim embraced by the exterior boundaries should be stated, and also the area in conflict with each intersecting survey, substantially as follows:

	Acres
Total area of claim	10.50
Area in conflict with survey No. 302	1.56
Area in conflict with survey No. 948	2.33
Area in conflict with Mountain Maid lode mining claim, unsurveyed	1.48

It does not follow that because mining surveys are required to exhibit all conflicts with prior surveys the areas of conflict are to be excluded. The field notes and plat are made a part of the application for patent, and care should be taken that the description does not inadvertently exclude portions intended to be retained. The application for patent should state the portions to be excluded in express terms.* [Par. 38, Circ. 430, Apr. 11, 1922, 49 L.D. 67]

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[86] All matters relating to the duties of mineral surveyors, and to the field and office procedure to be observed in the execution of mineral surveys, are set forth in Chapter X of the Manual of Instructions for the Survey of the Public Lands of the United States, 1930.

185.42 Certificate of expenditures and improvements. The claimant at the time of filing the application for patent, or at any time within the 60 days of publication, is required to file with the register a certificate of the office cadastral engineer that not less than $500 worth of labor has been expended or improvements made, by the applicant or his grantors, upon each location embraced in the application, or if the application embraces several contiguous locations held in common, that an amount equal to $500 for each location has been so expended upon, and for the benefit of, the entire group; that the plat filed by the claimant is correct; that the field notes of the survey, as filed, furnish such an accurate description of the claim as will, if incorporated in a patent, serve to identify the premises fully, and that such reference is made therein to natural objects or permanent monuments as will perpetuate and fix the locus thereof: Provided, That as to all applications for patents made and passed to entry before July 1, 1898, or which were by protests or adverse claims prevented from being passed to entry before that time, where the application embraces several locations held in common, proof of an expenditure of $500 upon the group will be sufficient, and an expenditure of that amount need not be shown to have been made upon, or for the benefit of, each location embraced in the application.

It will be convenient to have this certificate indorsed by the office cadastral engineer, both upon the plat and field notes of survey filed by the claimant as aforesaid.

In case of a lode and mill-site claim in the same survey the expenditure of $500 must be shown upon the lode claim.* [Pars. 48, 50, 159, Circ. 430, Apr. 11, 1922, 49 L.D. 71, 72, 92]

185.43 Basis for certificate. The office cadastral engineer may derive his information upon which to base his certificate as to the value of labor expended or improvements made from the mineral surveyor who actually makes survey and examination of the premises, insofar as such matters rest in the personal knowledge of the mineral surveyor. The mineral surveyor should specify with particularity and full detail the character and extent of such improvements. As to when and by whom the improvements were made and other essential matters not within such mineral surveyor's personal knowledge, recourse may be had by the office cadastral engineer to corroborated affidavits by persons possessing such personal knowledge, or the best evidence in this behalf otherwise obtainable. This showing should accompany the report of the mineral surveyor as to improvements.* [Par. 49, Circ. 430, Apr. 11, 1922, 49 L.D. 72]

185.44 Mineral surveyor's report of expenditures and improvements. In the mineral surveyor's report of the value of the improvements all actual expenditures and mining improvements made by the claimant or his grantors, having a direct relation to the development of the claim, must be included in the estimate.

The expenditures required may be made from the surface or in running a tunnel, drifts, or crosscuts for the development of the claim. Expenditures for drill holes for the purpose of prospecting and securing data upon which further development of a group of

*For statutory citation, see note to § 185.1.

lode mining claims held in common may be based are available toward meeting the statutory provision requiring an expenditure of $500 as a basis for patent as to all of the claims of the group situated in close proximity to such common improvement. Improvements of any other character, such as buildings, machinery, or roadways, must be excluded from the estimate, unless it is shown clearly that they are associated with actual excavations, such as cuts, tunnels, shafts, etc., are essential to the practical development of and actually facilitate the extraction of mineral from the claim.

Improvements made by a former locator who has abandoned his claim can not be included in the estimate, but should be described and located in the notes and plat.* [Pars. 156, 157, 158, Circ. 430, Apr. 11, 1922, 49 L.D. 91]

185.45 Supplemental proof of expenditures and improvements. If the value of the labor and improvements upon a mineral claim is less than $500 at the time of survey the mineral surveyor may file with the district cadastral engineer supplemental proof showing $500 expenditure made prior to the expiration of the period of publication.* [Par. 160, Circ. 430, Apr. 11, 1922, 49 L.D. 92]

185.46 Amended mineral surveys. Inasmuch as amended surveys are ordered only by special instructions from the General Land Office, and the conditions and circumstances peculiar to each separate case and the object sought by the required amendment, alone govern all special matters relative to the manner of making such survey and the form and subject matter to be embraced in the field notes thereof, but few general rules applicable to all cases can be laid down.

The expense of amended surveys, including amendment of plat and field notes, and office work in the public survey office will be borne by the claimant.

The amended survey must be made in strict conformity with, or be embraced within, the lines of the original survey. If the amended and original surveys are identical, that fact must be clearly and distinctly stated in the field notes. If not identical, a bearing and distance must be given from each established corner of the amended survey to the corresponding corner of the original survey. The lines of the original survey, as found upon the ground, must be laid down upon the preliminary plat in such manner as to contrast and show their relation to the lines of the amended survey.* [Pars. 164, 165, Circ. 430, Apr. 11, 1922, 49 L.D. 92, 93]

185.47 Surveyors may not act as attorneys for claimants. A mineral surveyor is precluded from acting, either directly or indirectly, as attorney in mineral claims. His duty in any particular case ceases when he has executed the survey and returned the field notes and preliminary plat, with his report, to the district cadastral engineer. He will not be allowed to prepare for the mining claimant the papers in support of his application for patent, or otherwise perform the duties of an attorney before the land office in connection with a mining claim. He is not permitted to combine the duties of surveyor and notary public in the same case by administering oaths to the parties in interest. It is preferable that both preliminary and final oaths of assistants should be taken before some officer duly

*For statutory citation, see note to § 185.1.

authorized to administer oaths, other than the mineral surveyor. In cases, however, where great delay, expense, or inconvenience would result from a strict compliance with this rule, the mineral surveyor is authorized to administer the necessary oaths to his assistants, but in each case where this is done, he will submit to the proper district cadastral engineer a full written report of the circumstances which required his stated action; otherwise he must have absolutely nothing to do with the case, except in his official capacity as surveyor. He will not employ chainmen interested therein in any manner.* [Par. 128, Circ. 430, Apr. 11, 1922, 49 L.D. 87]

185.48 Parties who may not assist in making surveys. The employing of claimants, their attorneys, or parties in interest, as assistants in making surveys of mineral claims will not be allowed.* [Par. 168, Circ. 430, Apr. 11, 1922, 49 L.D. 93]

185.49 Contract for surveys. The claimant is required, in all cases, to make satisfactory arrangements with the surveyor for the payment for his services and those of his assistants in making the survey, as the United States will not be held responsible for the same.[87]

Neither the district cadastral engineer nor the Commissioner of the General Land Office has jurisdiction to settle differences relative to the payment of charges for field work, between mineral surveyors and claimants. These are matters of private contract and must be enforced in the ordinary manner—i. e., in the local courts. The department has, however, authority to investigate charges affecting the official actions of mineral surveyors, and will, on sufficient cause shown, suspend or revoke their appointment.* [Pars. 127, 120, Circ. 430, Apr. 11, 1922, 49 L.D. 87, 86]

185.50 Appointment of mineral surveyors. The supervisor of surveys will, in pursuance of law, appoint in each land district as many competent surveyors for the survey of mining claims as may seek such appointment, it being distinctly understood that all expenses of these notices and surveys are to be borne by the mining claimants and not by the United States. The statute provides that the claimant shall also be at liberty to employ any United States mineral surveyor to make the survey. Each surveyor appointed to survey mining claims before entering upon the duties of his office or appointment shall be required to enter into a bond of not less than $5,000 for the faithful performance of his duties.* [Par. 90, Circ. 430, Apr. 11, 1922, 49 L.D. 82]

185.51 Payment of charges of the public survey office. With regard to the platting of the claim and other office work in the public survey office, that office will make an estimate of the cost thereof, which amount the claimant will deposit with any assistant United States treasurer or designated depository in favor of the United States Treasurer, to be passed to the credit of the fund created by "deposits by individuals for surveying public lands," and file with the public survey office duplicate certificates of such deposit in the usual manner.* [Par. 91, Circ. 430, Apr. 11, 1922, 49 L.D. 82]

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[87] All matters relating to the duties of mineral surveyors, and to the field and office procedure to be observed in the execution of mineral surveys, are set forth in Chapter X of the Manual of Instructions for the Survey of the Public Lands of the United States, 1930.

*For statutory citation, see note to § 185.1.

185.52 Plat and notice to be posted on claim. The claimant is required to post a copy of the plat of survey in a conspicuous place upon the claim, together with notice of his intention to apply for a patent therefor, which notice will give the date of posting, the name of the claimant, the name of the claim, the number of the survey, the mining district and county, and the names of adjoining and conflicting claims as shown by the plat survey. Too much care cannot be exercised in the preparation of this notice, inasmuch as the data therein are to be repeated in the other notices required by the statute, and upon the accuracy and completeness of these notices will depend, in a great measure, the regularity and validity of the proceedings for patent.* [Par. 39, Circ. 430, Apr. 11, 1922, 49 L.D. 67]

185.53 Proof of posting on the claim. After posting the said plat and notice upon the premises the claimant will file with the proper register a copy of such plat and the field notes of survey of the claim, accompanied by the affidavit of at least two credible witnesses that such plat and notice are posted conspicuously upon the claim, giving the date and place of such posting, a copy of the notice so posted to be attached to and form a part of said affidavit.* [Par. 40, Circ. 430, Apr. 11, 1922, 49 L.D. 69]

185.54 Application for patent. At the time the proof of posting is filed, as required by the preceding section, the claimant must file an application for patent, under oath, showing that he has the possessory right to the claim, in virtue of a compliance by himself (and by his grantors, if he claims by purchase) with the mining rules, regulations, and customs of the mining district, State, or Territory in which the claim lies, and with the mining laws of Congress, such sworn statement to narrate briefly, but as clearly as possible, the facts constituting such compliance, the origin of his possession, and the basis of his claim to a patent. The application should contain a full description of the kind and character of the vein or lode and should state whether ore has been extracted therefrom; and if so, in what amount and of what value. It should also show the precise place within the limits of each of the locations embraced in the application where the vein or lode has been exposed or discovered and the width thereof. The showing in these regards should contain sufficient data to enable representatives of the Government to confirm the same by examination in the field and also enable the Land Department to determine whether a valuable deposit of mineral actually exists within the limits of each of the locations embraced in the application.*[38] [Par. 41, Circ. 430, Apr. 11, 1922, 49 L.D. 69]

185.55 Procedure in case of conflicts of record. Before approving for publication any notice of an application for mineral patent, the register will be particular to see that it includes no land which is embraced in a prior or pending application for patent or entry, or for any land embraced in a railroad selection, or for which publication is pending or has been made by any other claimants, and if, in his opinion, after investigation, it should appear that notice of a mineral application should not, for this or other reasons, be approved for publication, he should formally reject the same, giving the reasons therefor, and allow the applicant 30 days for appeal under the rules of practice, Part 221.

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[38] Blank forms of applications for mineral patents are not furnished by the General Land Office.

The application should be filed in duplicate. See 52 L.D. 190.

Registers will give prompt and appropriate notice to the railroad grantee of the filing of every application for mineral patent which embraces any portion of an odd-numbered section of surveyed lands within the primary limits of a railroad land grant, and of every such application embracing any portion of unsurveyed lands within such limits (except as to any such application which embraces a portion or portions of those ascertained or prospective odd-numbered sections only, within the limits of the grant in Montana and Idaho to the Northern Pacific Railroad Co., which have been classified as mineral under the Act of February 26, 1895 (28 Stat. 683), without protest by the company within the time limited by the statute or the mineral classification whereof has been approved).

Should the railroad grantee file protest and apply for a hearing to determine the character of the land involved in any such application for mineral patent, proceedings thereunder will be had in the usual manner.

Any application for mineral patent, however, which embraces lands previously listed or selected by a railroad company will be disposed of as provided by the first paragraph of this section, and the applicant afforded opportunity to protest and apply for a hearing or to appeal.

Notice should be given to the duly authorized representative of the railroad grantee, in accordance with the rules of practice, Part 221. When the claims applied for are upon unsurveyed land, the burden of proving that they are situate within prospective odd-numbered sections will rest upon the railroad.

Evidence of service of notice should be filed with the record in each case.* [Par. 44, Circ. 430, Apr. 11, 1922, 49 L.D. 70]

Cross Reference: For railroad grants, see Part 273.

185.56 Abstract of title. The application for patent must be supported by a copy of each location notice, certified by the legal custodian of the record thereof, and also by an abstract of title of each claim, certified by the legal custodian of the records of transfers or by a duly authorized abstracter of titles. The certificate must state that no conveyances affecting, or purporting to affect, the title to the claim or claims appear of record other than those set forth.

Outside of the Territory of Alaska the application for patent will be received and filed if the abstract is brought down to a day reasonably near the date of the presentation of the application and shows full title in the applicant, who must as soon as practicable thereafter file a supplemental abstract brought down so as to include the date of the filing of the application. Publication will not be ordered until the showing as to title is thus completed and the register is satisfied that full title was in the applicant on the day of the filing of the application.

***For statutory citation, see note to § 185.1.**

No certificate from an abstracter or abstract company will be accepted until approval by the Commissioner of the General Land Office of a favorable report of the special agent in charge, or United States district attorney, whose division or district embraces the lands in question, as to the reliability and responsibility of such abstracter or company.* [Par. 42, Circ. 430, Apr. 11, 1922, 49 L.D. 69]

185.57 Evidence relating to destroyed or lost records. In the event of the mining records in any case having been destroyed by fire or otherwise lost, affidavit of the fact should be made, and secondary evidence of possessory title will be received, which may consist of the affidavit of the claimant, supported by those of any other parties cognizant of the facts relative to his location, occupancy, possession, improvements, etc.; and in such case of lost records, any deeds, certificates of location or purchase, or other evidence which may be in the claimant's possession and tend to establish his claim, should be filed.* [Par. 43, Circ. 430, Apr. 11, 1922, 49 L.D. 70]

185.58 Publication in newspaper and posting in district land office. Upon the receipt of application for mineral patent and accompanying papers, if no reason appears for rejecting the application, the register will, at the expense of the claimant (who must furnish the agreement of the publisher to hold applicant for patent alone responsible for charges of publication), publish a notice of such application for the period of 60 days in a newspaper published nearest to the claim, and will post a copy of such notice in his office for the same period. When the notice is published in a weekly newspaper, 9 consecutive insertions are necessary; when in a daily newspaper, the notice must appear in each issue for 61 consecutive issues. In both cases the first day of issue must be excluded in estimating the period of 60 days.* [Par. 45, Circ. 430, Apr. 11, 1922, 49 L.D. 71]

185.59 Contents of published notice. The notices published and posted as required by the preceding section must embrace all the data given in the notice posted upon the claim. In addition to such data the published notice must further indicate the locus of the claim by giving the connecting line, as shown by the field notes and plat, between a corner of the claim and a United States mineral monument or a corner of the public survey, and thence the boundaries of the claim by courses and distances.* [Par. 46, Circ. 430, Apr. 11, 1922, 49 L.D. 70]

185.60 Register to designate newspaper. The register shall publish the notice of application for patent in a paper of established character and general circulation, to be by him designated as being the newspaper published nearest the land.* [Par. 47, Circ. 430, Apr. 11, 1922, 49 L.D. 71]

185.61 Proof by applicant of publication and posting. After the 60-day period of newspaper publication has expired, the claimant will furnish from the office of publication a sworn statement that the notice was published for the statutory period, giving the first and last day of such publication, and his own affidavit showing that the plat and notice aforesaid remained conspicuously posted upon the claim sought to be patented during said 60-day publication, giving the dates.* [Par. 51, Cir. 430, Apr. 11, 1922, 49 L.D. 72]

*For statutory citation, see note to § 185.1.

185.62 Payment of purchase price and affidavit of charges and fees. Upon the filing of the affidavit required by the preceding section, the register will, if no adverse claim was filed in his office during the period of publication, and no other objection appears, permit the claimant to pay for the land to which he is entitled at the rate of $5 for each acre and $5 for each fractional part of an acre, except as otherwise provided by law, issuing the usual receipt therefor. The claimant will also make a sworn statement of all charges and fees paid by him for publication and surveys, together with all fees and money paid the register of the land office, after which the complete record will be forwarded to the Commissioner of the General Land Office and a patent issued thereon if found regular.* [Par. 52, Circ. 430, Apr. 11, 1922, 49 L.D. 72]

185.63 Trustee to disclose nature of trust. Any party applying for patent as trustee must disclose fully the nature of the trust and the name of the cestui que trust; and such trustee, as well as the beneficiaries, must furnish satisfactory proof of citizenship; and the names of beneficiaries, as well as that of the trustee, must be inserted in the final certificate of entry.* [Par. 54, Circ. 430, Apr. 11, 1922, 49 L.D. 72]

185.64 Allowance of entry; transfers subsequent to application not recognized. No entry will be allowed until the register has satisfied himself, by careful examination, that proper proofs have been filed upon the points indicated in the law and official regulations. Transfers made subsequent to the filing of the application for patent will not be considered, but entry will be allowed and patent issued in all cases in the name of the applicant for patent, the title conveyed by the patent, of course, in each instance inuring to the transferee of such applicant where a transfer has been made pending the application for patent.* [Par. 71, Circ. 430, Apr. 11, 1922, 49 L.D. 78]

185.65 Failure to prosecute application with diligence. The failure of an applicant for patent to a mining claim to prosecute his application to completion, by filing the necessary proofs and making payment for the land, within a reasonable time after the expiration of the period of publication of notice of the application, or after the termination of adverse proceedings in the courts, constitutes a waiver by the applicant of all rights obtained by the earlier proceedings upon the application.* [Par. 56, Circ. 430, Apr. 11, 1922, 49 L.D. 73]

185.66 Resumption of patent proceedings after suspension due to adverse claim or protest. The proceedings necessary to the completion of an application for patent to a mining claim, against which an adverse claim or protest has been filed, if taken by the applicant at the first opportunity afforded therefor under the law and departmental practice, will be as effective as if taken at the date when, but for the adverse claim or protest, the proceedings on the application could have been completed.* [Par. 57, Circ. 430, Apr. 11, 1922, 49 L.D. 73]

MILL SITES

185.67 Application for patent. Land entered as a mill site must be shown to be nonmineral. Mill sites are simply auxiliary to the working of mineral claims. Section 2337 of the Revised Statutes (30 U.S.C. 42) provides for the patenting of mill sites.

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*For statutory citation, see note to § 185.1.

To avail themselves of this provision of law, parties holding the possessory right to a vein or lode claim, and to a piece of nonmineral land not contiguous thereto for mining or milling purposes, not exceeding the quantity allowed for such purpose by section 2337, or prior laws, under which the land was appropriated, the proprietors of such vein or lode may file in the proper land office their application for a patent, under oath, which application, together with the plat and field notes, may include, embrace, and describe, in addition to the vein or lode claim, such noncontiguous mill site, and after due proceedings as to notice, etc., a patent will be issued conveying the same as one claim. The owner of a patented lode may, by an independent application, secure a mill site, if good faith is manifest in its use or occupation in connection with the lode and no adverse claim exists.* [Pars. 61, 62, Circ. 430, Apr. 11, 1922, 49 L.D. 76, 77]

185.68 Mill sites applied for in conjunction with a lode claim. Where the original survey includes a lode claim and also a mill site the lode claim should be described in the plat and field notes as "Sur. No. 37, A," and the mill site as "Sur. No. 37, B," or whatever may be its appropriate numerical designation; the course and distance from a corner of the mill site to a corner of the lode claim to be invariably given in such plat and field notes, and a copy of the plat and notice of application for patent must be conspicuously posted upon the mill site as well as upon the vein or lode claim for the statutory period of 60 days. In making the entry no separate receipt or certificate need be issued for the mill site, but the whole area of both lode and mill site will be embraced in one entry, the price being $5 for each acre and fractional part of an acre embraced by such lode and mill site claim.* [Par. 63, Circ. 430, Apr. 11, 1922, 49 L.D. 77]

185.69 Mill sites for quartz mills or reduction works. In case the owner of a quartz mill or reduction works is not the owner or claimant of a vein or lode claim the law permits him to make application therefor in the same manner prescribed for mining claims, and after due notice and proceedings, in the absence of a valid adverse filing, to enter and receive a patent for his mill site at the price named in the preceding section.* [Par. 64, Circ. 430, Apr. 11, 1922, 49 L.D. 77]

185.70 Proof of nonmineral character. In every case there must be satisfactory proof that the land claimed as a mill site is not mineral in character, which proof may, where the matter is unquestioned, consist of the sworn statement of two or more persons capable, from acquaintance with the land to testify understandingly.* [Par. 65, Circ. 430, Apr. 11, 1922, 49 L.D. 77]

PLACERS

185.71 Application for patent. The proceedings to obtain patents for placer claims, including all forms of mineral deposits excepting veins of quartz or other rock in place, are similar to the proceedings prescribed for obtaining patents for vein or lode claims; but where a placer claim shall be upon surveyed lands, and conforms to

*For statutory citation, see note to § 185.1.

legal subdivisions, no further survey or plat will be required. Where placer claims can not be conformed to legal subdivisions, survey and plat shall be made as on unsurveyed lands.

Careful attention by applicants and registers to the proceedings mentioned will enable them to act understandingly and make such slight modifications in the notice, or otherwise, as may be necessary in view of the different nature of the two classes of claims; the price of placer claims being fixed, however, at $2.50 per acre or fractional part of an acre.* [Pars. 58, 59, Circ. 430, Apr. 11, 1922, 49 L.D. 73]

CROSS REFERENCE: For patents, generally, see Part 108.

185.72 Proof of improvements for patent. The proof of improvements must show their value to be not less than $500 and that they were made by the applicant for patent or his grantors. This proof should consist of the affidavit of two or more disinterested witnesses.* [Par. 25, Circ. 430, Apr. 11, 1922, 49 L.D. 62]

185.73 Data to be filed in support of application. In placer applications, in addition to the recitals necessary in and to both vein or lode and placer applications, the placer application should contain, in detail, such data as will support the claim that the land applied for is placer ground containing valuable mineral deposits not in vein or lode formation and that title is sought not to control water courses or to obtain valuable timber but in good faith because of the mineral therein. This statement, of course, must depend upon the character of the deposit and the natural features of the ground, but the following details should be covered as fully as possible: If the claim be for a deposit of placer gold, there must be stated the yield per pan, or cubic yard, as shown by prospecting and development work, distance to bedrock, formation and extent of the deposit, and all other facts upon which he bases his allegation that the claim is valuable for its deposits of placer gold. If it be a building stone or other deposit than gold claimed under the placer laws, he must describe fully the kind, nature, and extent of the deposit, stating the reasons why same is by him regarded as a valuable mineral claim. He will also be required to describe fully the natural features of the claim; streams, if any, must be fully described as to their course, amount of water carried, fall within the claim; and he must state kind and amount of timber and other vegetation thereon and adaptability to mining or other uses.

If the claim be all placer ground, that fact must be stated in the application and corroborated by accompanying proofs; if of mixed placers and lodes, it should be so set out, with a description of all known lodes situated within the boundaries of the claim. A specific declaration, such as is required by section 2333, Revised Statutes (30 U.S.C. 37) must be furnished as to each lode intended to be claimed. All other known lodes are, by the silence of the applicant, excluded by law from all claim by him, of whatsoever nature, possessory or otherwise.

While these data are required as a part of the mineral surveyor's report in case of placers taken by special survey, it is proper that the application for patent incorporate these facts under the oath of the claimant.

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*For statutory citation, see note to § 185.1.

Inasmuch as in case of claims taken by legal subdivisions, no report by a mineral surveyor is required, the claimant, in his application in addition to the data above required, should describe in detail the shafts, cuts, tunnels, or other workings claimed as improvements, giving their dimensions, value, and the course and distance thereof to the nearest corner of the public surveys.

The statement as to the description and value of the improvements must be corroborated by the affidavits of two disinterested witnesses.[39]

Applications awaiting entry, whether published or not, must be made to conform to the regulations in this part, with respect to proof as to the character of the land. Entries already made will be suspended for such additional proofs as may be deemed necessary in each case.

Registers are instructed that if the proofs submitted in placer applications under this section are not satisfactory as showing the land as a whole to be placer in character, or if the claims impinge upon or embrace water courses or bodies of water, and thus raise a doubt as to the bona fides of the location and application, or the character and extent of the deposit claimed thereunder, to call for further evidence, or if deemed necessary, request the specific attention of the special agent in charge thereto in connection with the usual notification to him and suspend further action on the application until a report thereon is received from the field officer.* [Par. 60, Circ. 430, Apr. 11, 1922, 49 L.D. 73]

185.74 Applications for placers containing known lodes. Applicants for patent to a placer claim, who are also in possession of a known vein or lode included therein, must state in their application that the placer includes such vein or lode. The published and posted notices must also include such statement. If veins or lodes lying within a placer location are owned by other parties, the fact should be distinctly stated in the application for patent and in all the notices. But in all cases whether the lode is claimed or excluded, it must be surveyed and marked upon the plat, the field notes and plat giving the area of the lode claim or claims and the area of the placer separately. An application which omits to claim such known vein or lode must be construed as a conclusive declaration that the applicant has no right of possession to the vein or lode. Where there is no known lode or vein, the fact must appear by the affidavit of two or more witnesses.* [Par. 26, Circ. 430, Apr. 11, 1922, 49 L.D. 62]

SUBPART E—GENERAL

CITIZENSHIP

185.75 Citizenship of corporations and of associations acting through agents. The proof necessary to establish the citizenship of applicants for mining patents must be made in the following manner: In case of an incorporated company, a certified copy of its charter or certificate of incorporation must be filed. In case of an association of persons unincorporated, the affidavit of their duly authorized agent, made upon his own knowledge or upon information and belief, setting forth the residence of each person forming such association, must be submitted. This affidavit must be accompanied by a power of attorney from the parties forming such association, authorizing the person who makes the affidavit of citizenship to act for them in the matter of their application for patent.* [Par. 66, Circ. 430, Apr. 11, 1922, 49 L.D. 77]

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[39] The proof showing must be made in duplicate. See 51 L.D. 265 and 52 L.D. 190.

185.76 Citizenship of individuals. In case of an individual or an association of individuals who do not appear by their duly authorized agent, the affidavit of each applicant, showing whether he is a native or naturalized citizen, when and where born, and his residence, will be required.

In case an applicant has declared his intention to become a citizen or has been naturalized, his affidavit must show the date, place, and the court before which he declared his intention, or from which his certificate of citizenship issued, and present residence.* [Pars. 67, 68, Circ. 430, Apr. 11, 1922, 49 L.D. 78]

185.77 Officers before whom affidavits of citizenship may be taken. The affidavit of the claimant as to his citizenship may be taken before the register, or any other officer authorized to administer oaths within the land districts; or, if the claimant is residing beyond the limits of the district, the affidavit may be taken before the clerk of any court of record or before any notary public of any State or Territory.

If citizenship is established by the testimony of disinterested persons, such testimony may be taken at any place before any person authorized to administer oaths, and whose official character is duly verified.* [Pars. 69, 70, Circ. 430, Apr. 11, 1922, 49 L.D. 78]

POSSESSORY RIGHT

185.78 Right by occupancy. The provisions of section 2332, Revised Statutes (30 U.S.C. 38), greatly lessen the burden of proof, more especially in the case of old claims located many years since, the records of which, in many cases, have been destroyed by fire, or lost in other ways during the lapse of time, but concerning the possessory right to which all controversy or litigation has long been settled.

When an applicant desires to make his proof of possessory right in accordance with this provision of law, he will not be required to produce evidence of location, copies of conveyances, or abstracts of title, as in other cases, but will be required to furnish a duly certified copy of the statute of limitation of mining claims for the State or Territory, together with his sworn statement giving a clear and succinct narration of the facts as to the origin of his title, and likewise as to the continuation of his possession of the mining ground covered by his application; the area thereof; the nature and extent of the mining that has been done thereon; whether there has been any opposition to his possession, or litigation with regard to his claim, and if so, when the same ceased; whether such cessation was caused by compromise or by judicial decree, and any additional facts within the claimant's knowledge having a direct bearing upon his possession and bona fides which he may desire to submit in support of his claim.* [Pars. 74, 75, Circ. 430, Apr. 11, 1922, 49 L.D. 78]

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*For statutory citation, see note to § 185.1.

185.79 Certificate of court required. There should likewise be filed a certificate, under seal of the court having jurisdiction of mining cases within the judicial district embracing the claim, that no suit or action of any character whatever involving the right of possession to any portion of the claim applied for is pending, and that there has been no litigation before said court affecting the title to said claim or any part thereof for a period equal to the time fixed by the statute of limitations for mining claims in the State or Territory as aforesaid other than that which has been finally decided in favor of the claimant.* [Par. 76, Circ. 430, Apr. 11, 1922, 49 L.D. 79]

185.80 Corroborative proof required. The claimant should support his narrative of facts relative to his possession, occupancy, and improvements by corroborative testimony of any disinterested person or persons of credibility who may be cognizant of the facts in the case and are capable of testifying understandingly in the premises.* [Par. 77, Circ. 430, Apr. 11, 1922, 49 L.D. 79]

ADVERSE CLAIMS

185.81 Filing of claim. An adverse claim must be filed with the register of the land office where the application for patent is filed or with the register of the district in which the land is situated at the time of filing the adverse claim. It must be on the oath of the adverse claimant, or it may be verified by the oath of any duly authorized agent or attorney in fact of the adverse claimant cognizant of the facts stated.

Where an agent or attorney in fact verifies the adverse claim, he must distinctly swear that he is such agent or attorney, and accompany his affidavit by proof thereof.

The agent or attorney in fact must make the affidavit in verification of the adverse claim within the land district where the claim is situated.* [Pars. 78, 79, 80, Circ. 430, Apr. 11, 1922, 49 L.D. 79]

185.82 Statement of claim. The adverse claim must fully set forth the nature and extent of the interference or conflict; whether the adverse party claims as a purchaser for valuable consideration or as a locator. If the former, a certified copy of the original location, the original conveyance, a duly certified copy thereof, or an abstract of title from the office of the proper recorder should be furnished, or if the transaction was a merely verbal one he will narrate the circumstances attending the purchase, the date thereof, and the amount paid, which facts should be supported by the affidavit of one or more witnesses, if any were present at the time, and if he claims as a locator he must file a duly certified copy of the location from the office of the proper recorder.

In order that the "boundaries" and "extent" of the claim may be shown, it will be incumbent upon the adverse claimant to file a plat showing his entire claim, its relative situation or position with the one against which he claims, and the extent of the conflict: Provided, however, That if the application for patent describes the claim by legal subdivisions, the adverse claimant, if also claiming by legal

*For statutory citation, see note to § 185.1.

subdivisions, may describe his adverse claim in the same manner without further survey or plat. If the claim is not described by legal subdivisions it will generally be more satisfactory if the plat thereof is made from an actual survey by a mineral surveyor and its correctness officially certified thereon by him.* [Pars. 81, 82, Circ. 430, Apr. 11, 1922, 49 L.D. 79]

185.83 Action by register. Upon the adverse claim being filed within the 60-day period of publication, the register will immediately give notice in writing to the parties that such adverse claim has been filed, informing them that the party who filed the adverse claim will be required within 30 days from the date of such filing to commence proceedings in a court of competent jurisdiction to determine the question of right of possession, and to prosecute the same with reasonable diligence to final judgment, and that, should such adverse claimant fail to do so, his adverse claim will be considered waived and the application for patent be allowed to proceed upon its merits.* [Par. 83, Circ. 430, Apr. 11, 1922, 49 L.D. 80]

185.84 Patent proceedings stayed when adverse claim is filed; exception. When an adverse claim is filed as aforesaid, the register will indorse upon the same the precise date of filing and preserve a record of the date of notifications issued thereon; and thereafter all proceedings on the application for patent will be stayed with the exception of the completion of the publication and posting of notices and plat and the filing of the necessary proof thereof, until the controversy shall have been finally adjudicated in court or the adverse claim waived or withdrawn.* [Par. 84, Circ. 430, Apr. 11, 1922, 49 L.D. 80]

185.85 Termination of adverse suit. Where an adverse claim has been filed and suit thereon commenced within the statutory period and final judgment rendered determining the right of possession, it will not be sufficient to file with the register a certificate of the clerk of the court setting forth the facts as to such judgment, but the successful party must, before he is allowed to make entry, file a certified copy of the judgment roll, together with the other evidence required by section 2326, Revised Statutes (30 U.S.C. 30), and a certificate of the clerk of the court under the seal of the court showing, in accord with the record facts of the case, that the judgment mentioned and described in the judgment roll aforesaid is a final judgment; that the time for appeal therefrom has, under the law, expired, and that no such appeal has been filed, or that the defeated party has waived his right to appeal. Other evidence showing such waiver or an abandonment of the litigation may be filed.

Where such suit has been dismissed, a certificate of the clerk of the court to that effect or a certified copy of the order of dismissal will be sufficient.

After an adverse claim has been filed and suit commenced, a relinquishment or other evidence of abandonment of the adverse claim will not be accepted, but the case must be terminated and proof thereof furnished as required by the last two paragraphs.* [Pars. 85, 86, 87, Circ. 430, Apr. 11, 1922, 49 L.D. 81]

185.86 Certificate required when no suit commenced. Where an adverse claim has been filed but no suit commenced against the

***For statutory citation, see note to § 185.1.**

applicant for patent within the statutory period, a certificate to that effect by the clerk of the State court having jurisdiction in the case, and also by the clerk of the district court of the United States for the district in which the claim is situated, will be required.* [Par. 88, Circ. 430, Apr. 11, 1922, 49 L.D. 81]

FEES

185.87. Fees of registers. The fee payable to the register for filing and acting upon applications for mineral-land patents is $10, to be paid by the applicant for patent at the time of filing, and the like sum is payable by an adverse claimant at the time of filing his adverse claim. (Sec. 2238, R.S. "Ninth"; 43 U.S.C. 82 "Seventh.")* [Par. 95, Circ. 430, April 11, 1922, 49 L.D. 83]

CHARGES FOR NEWSPAPER PUBLICATIONS

185.88 Charges not to exceed legal rates. (a) The charge for the publication of notice of application for patent in a mining case in all districts shall not exceed the legal rates allowed by the laws of the State for the publication of legal notices wherein the notice is published, and in no case shall the charge exceed $10 for each 10 lines of space occupied where publication is had in a daily newspaper, and where a weekly newspaper is used as a medium of publication $7.50 shall be the maximum charge for the same space. Such charge shall be accepted as full payment for publication in each issue of the newspaper for the entire period required by law.

It is expected that these notices shall not be so abbreviated as to curtail the description essential to a perfect notice, and on the other hand that they shall not be of unnecessary length. The printed matter must be set solid without paragraphing or any display in the heading and shall be in the usual body type used in legal notices. If other type is used, no allowance will be made for additional space on that account. The number of solid lines only used in advertising by actual count will be allowed. All abbreviations and copy must be strictly followed. The following is a sample of advertisement set up in accordance with Government requirements and contains all the essential data necessary for publication:

M. A. No. 04421, U. S. Land Office, Elko, Nevada, October 5, 1921. Notice is hereby given that the Jarbidge Buhl Mining Company by W. H. Hudson, attorney in fact, of Jarbidge, Nevada, has made application for patent to the Altitude, Altitude No. 1, Altitude No. 3, and Altitude Annex, lode mining claims, Survey No. 4470, in unsurveyed T. 46 N., R. 58 E., M. D. B. and M., in the Jarbidge mining district, Elko County, Nevada, described as follows: Beginning at corner No. 1, Altitude No. 3, whence the quarter corner of the south boundary of sec. 34, T. 46 N., R. 58 E., M. D. B. and M., bears south 41°54′ west 7285.63 feet, thence north 20°14′ west 1500 feet to corner No. 2 of said lode; thence north 69°46′ east 569 feet to corner No. 3 of said lode; thence south 20°14′ east 417.5 feet to corner 2, Altitude No. 1; thence north 69°46′ east 1606.1 feet to corner No. 3, Altitude lode; thence south 20°14′ east 1500 feet, to corner No. 4 of said lode; thence south 69°46′ west 1,606.1 feet, to corner No. 1, Altitude No. 1 lode; thence north 20°14′ west 417.5 feet to corner No. 4, Altitude No. 3; thence south 69°46′ west 569 feet to point of beginning. There are no adjoining or conflicting claims. The location notices are recorded in Book 17, pages 373 and 374, and in Book 15, pages 52 and 53, mining locations, Elko County, Nevada, John E. Robbins, Register.

*For statutory citation, see note to § 185.1.

(b) For the publication of citations in contests or hearings, involving the character of lands, the charges may not exceed the rates provided for similar notices by the law of the State, and shall not exceed $12 for five publications in a weekly newspaper, or $15 for publication in a daily newspaper for 30 days. Such charge shall be accepted as full payment for all the matter so published and for the full period required.* [Circ. 943, June 18, 1934, 50 L.D. 556]

PROTESTS, CONTESTS, CONFLICTS, AND SEGREGATIONS

185.89 Protests against mineral applications. At any time prior to the issuance of patent protest may be filed against the patenting of the claim as applied for, upon any ground tending to show that the applicant has failed to comply with the law in any matter essential to a valid entry under the patent proceedings. Such protest can not, however, be made the means of preserving a surface conflict lost by failure to adverse or lost by the judgment of the court in an adverse suit. One holding a present joint interest in a mineral location included in an application for patent who is excluded from the application, so that his interest would not be protected by the issue of patent thereon, may protest against the issuance of a patent as applied for, setting forth in such protest the nature and extent of his interest in such location, and such a protestant will be deemed a party in interest entitled to appeal. This results from the holding that a co-owner excluded from an application for patent does not have an "adverse" claim within the meaning of sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29, 30). (See Turner v. Sawyer, 150 U. S. 578–586, 37 L.ed. 1189–1191.)* [Par. 53, Circ. 430, Apr. 11, 1922, 49 L.D. 72]

185.90 Procedure in contest cases. The rules of practice, Part 221, in cases before the United States district land offices, the General Land Office, and the Department of the Interior will, so far as applicable, govern in all cases and proceedings arising in contests and hearings to determine the character of lands.* [Par. 99, Circ. 430, Apr. 11, 1922, 49 L.D. 83]

185.91 Presumption as to land returned as mineral. Public land returned upon the survey records as mineral shall be withheld from entry as agricultural land until the presumption arising from such a return shall be overcome.* [Par. 100, Circ. 430, Apr. 11, 1922, 49 L.D. 83]

185.92 Procedure to dispute record character of land. When lands returned as mineral are sought to be entered as agricultural under laws which require the submission of final proof after due notice by publication and posting, the filing of the proper nonmineral affidavit in the absence of allegations that the land is mineral will be deemed sufficient as a preliminary requirement. A satisfactory showing as to character of land must be made when final proof is submitted.

In case of application to enter, locate, or select such lands as agricultural, under laws in which the submission of final proof after due publication and posting is not required, notice thereof must first be given by publication for 60 days and posting in the local office dur-

*For statutory citation, see note to § 185.1.

ing the same period, and affirmative proof as to the character of the land submitted. In the absence of allegations that the land is mineral, and upon compliance with this requirement, the entry, location, or selection will be allowed, if otherwise regular.

Where as against the claimed right to enter such lands as agricultural it is alleged that the same are mineral, or are applied for as mineral lands, the proceedings in this class of cases will be in the nature of a contest, and the practice will be governed by the rules in force in contest cases.* [Par. 101, Circ. 430, Apr. 11, 1922, 49 L.D. 83]

185.93 Testimony at hearings to determine character of lands. At hearings to determine the character of lands the claimants and witnesses will be thoroughly examined with regard to the character of the land; whether the same has been thoroughly prospected; whether or not there exists within the tract or tracts claimed any lode or vein of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, or copper, or other valuable deposit which has ever been claimed, located, recorded, or worked; whether such work is entirely abandoned, or whether occasionally resumed; if such lode does exist, by whom claimed, under what designation, and in which subdivision of the land it lies; whether any placer mine or mines exist upon the land; if so, what is the character thereof—whether of the shallow-surface description, or of the deep cement, blue lead, or gravel deposits; to what extent mining is carried on when water can be obtained, and what the facilities are for obtaining water for mining purposes; upon what particular 10-acre subdivisions mining has been done, and at what time the land was abandoned for mining purposes, if abandoned at all. In every case, where practicable, an adequate quantity or number of representative samples of the alleged mineral-bearing matter or material should be offered in evidence, with proper identification, to be considered in connection with the record, with which they will be transmitted upon each appeal that may be taken. Testimony may be submitted as to the geological formation and development of mineral on adjoining or adjacent lands and their relevancy.

The testimony should also show the agricultural capacities of the land, what kind of crops are raised thereon, the value thereof; the number of acres actually cultivated for crops of cereals or vegetables, and within which particular 10-acre subdivision such crops are raised; also which of these subdivisions embrace the improvements, giving in detail the extent and value of the improvements, such as house, barn, vineyard, orchard, fencing, etc., and mining improvements.

The testimony should be as full and complete as possible; and in addition to the leading points indicated above, where an attempt is made to prove the mineral character of lands which have been entered under the agricultural laws, it should show at what date, if at all, valuable deposits of minerals were first known to exist on the lands.* [Pars. 105, 106, 107, Circ. 430, Apr. 11, 1922, 49 L.D. 84]

185.94 Segregation of mineral from agricultural land. In cases where a survey is necessary to set apart the mineral from the agricultural land, the district cadastral engineer for the district in which

*For statutory citation, see note to § 185.1

the lands are located will be authorized to prepare special instructions for its execution, and upon approval of such instructions by the General Land Office assignment will be made to a surveyor to make the survey. The work will be performed without expense to the agricultural claimant or to the mineral claimant, and upon completion, approval, and acceptance thereof the district land office will be supplied with an authenticated copy of the plat of said segregation survey, which will become the basis for the disposal of the nonmineral lands exhibited thereon. The district land office will, in all cases, be advised of the issuance of authority for the survey and a copy thereof will be furnished for service on the mineral claimant.*[40] [Par. 108, Circ. 430, Apr. 11, 1922, 49 L.D. 84]

185.95 Effect of decision that land is mineral. The fact that a certain tract of land is decided upon testimony to be mineral in character is by no means equivalent to an award of the land to a miner. In order to secure a patent for such land, he must proceed as in other cases, in accordance with the regulations in this part.* [Par. 111, Circ. 430, Apr. 11, 1922, 49 L.D. 85]

185.96 Report of approval of mineral survey. Promptly upon the approval of a mineral survey the office cadastral engineer will advise both the General Land Office and the appropriate district land office, by letter (Form 4–286), of the date of approval, number of the survey, name and area of the claim, name and survey number of each approved mineral survey with which actually in conflict, name and address of the applicant for survey, and name of the mineral surveyor who made the survey; and will also briefly describe therein the locus of the claim, specifying each legal subdivision or portion thereof, when upon surveyed lands, covered in whole or in part by the survey; but no segregation of any such claim upon the official township-survey records will be made until mineral entry has been made and approved for patent, unless otherwise directed by the General Land Office.* [Par. 37 (a), Circ. 430, Apr. 11, 1922, 49 L.D. 66]

185.97 Agricultural entry of residue of subdivisions invaded by mining claims. Upon application to make agricultural entry of the residue of any original lot or legal subdivision reduced by mining claims, and which residue has been already relotted in accordance therewith, the register will accept and approve the application as usual, if found to be regular. When such an application is filed for any such original lot or subdivision, reduced in available area by patented mining claims but not yet relotted accordingly, or where such lot or subdivision is affected by pending applications for mineral patent, none of which the agricultural applicant desires to contest, or by approved surveys of mining claims, the mineral character of which has been duly established, the register of the district land office will accept and allow the application (if otherwise regular), exclusive of the conflict with the mining claims. The register will advise the General Land Office promptly when the agricultural entryman is ready to make final proof, whereupon the proper public survey office will be advised by the General Land Office of such mining claims or portions thereof as are proper to be segregated, and directed to prepare at once, upon the usual drawing-paper township blank, diagram of amended township survey of such original lot or legal subdivision so made fractional by such mineral segregation, designating the agricultural portion by appropriate lot number, beginning with No. 1 in each section, and giving the area of each lot.

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[40] It is to be understood that, in stock raising homestead entries, in cases where it has been satisfactorily established that there are existent prior unpatented mining claims, the segregation of the latter is not strictly a segregation of mineral from nonmineral land, but rather the procedure adopted to define the boundaries of and provide a legal description for that part of the homestead entry which is not within the segregated mining claims.

*For statutory citation, see note to § 185.1.

The register will allow no agricultural claim for any portion of an original lot or legal 40-acre subdivision, where the reduced area is made to appear by reason of approved surveys of mining claims and for which applications for patent have not been filed, until there is submitted by such agricultural applicant, a satisfactory showing that such surveyed claims are in fact mineral in character; and applications to have lands asserted to be mineral or mining locations segregated by survey, with the view to nonmineral appropriation of the remainder, will be made to the register for submission to the Commissioner of the General Land Office, for his consideration and direction, and must be supported by the affidavit of the party in interest, duly corroborated by two or more disinterested persons, or by such other or further evidence as may be required in any case, that the lands sought to be segregated as mineral are in fact mineral in character. When any such showing shall be found to be satisfactory and the necessary survey is had, amended township diagram will be required and made as prescribed in the preceding section.* [Circ. 1337, Oct. 5, 1934, 55 I.D. 6; par. 37c, Circ. 430, Apr. 11, 1922, 49 L.D. 67]

*For statutory citation, see note to § 185.1.

Circular No. 1277. 64669

EXTENSION OF TIME ON OIL AND GAS PROSPECTING PERMITS UNDER ACT OF JUNE 30, 1932 (PUBLIC NO. 217).

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UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

July 15, 1932.

Registers,
United States Land Offices.

Gentlemen:

The act of Congress approved June 30, 1932 (Public No. 217, 72nd Congress), reads as follows:

> Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That any oil or gas prospecting permit issued under the Act of February 25, 1920, (41 Stat. 437), or extended under the Act of January 11, 1922, (42 Stat. 356), or as further extended under the Acts of April 5, 1926, (44 Stat. 236), March 9, 1928, (45 Stat. 252), and the Act of January 23, 1930, (46 Stat. 58), may be extended by the Secretary of the Interior for an additional period of three years in his discretion, on such conditions as he may prescribe.
>
> Sec. 2. Upon application to the Secretary of the Interior, and subject to valid intervening rights and to the provisions of section 1 of this Act, any permit which has already expired because of lack of authority under existing law to make further extensions may be extended for a period of three years from the date of the passage of this Act.

Applications for extensions of time coming within the provisions of this Act may be filed with the Register of the district land office or with the Commissioner of the General Land Office, Washington, D. C. The application should give full and definite information regarding expenditure of money for development work under the permit and for reliable geological surveys of the lands involved. The showing must be by affidavit and state in detail the amounts and dates of such expenditures, purposes for which made, and to whom the payments were made. If the permittee has secured geological surveys of the lands, copies of the reports and maps thereof should be filed. Any other facts which the permittee believes will show equities in support of his application should be included in the showing.

(over)

In any case where the permittee has filed bond to protect a surface claimant of lands included in the permit, or because the lands are in a reclamation project, consent of the surety to remain bound during the extension period must be furnished, except where the bond by its terms covers extensions of time that may be granted. Also such bond as may be considered necessary and sufficient may be required conditioned on the abandonment, under the supervision of the supervisor of oil and gas operations, of any wells drilled on the permit lands.

Very respectfully,

C. C. MOORE,

Commissioner.

Approved: July 15, 1932,

JOS. M. DIXON,

First Assistant Secretary.

Office Copy 97476

~~Obsolete~~

~~Replaced by #1785~~

Circular No. 1278.
Revised March 1935

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UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

INFORMATION IN REGARD TO MINING CLAIMS ON THE PUBLIC DOMAIN

The purpose of this circular is to furnish brief information pertinent to the location and purchase of mining claims under the United States mining laws.

1. Initiation of rights to mineral land.--Rights to mineral lands, owned by the United States, are initiated by prospecting for minerals thereon, and, upon the discovery of mineral, by locating the lands upon which such discovery has been made. A location is made by staking the corners of the claim, posting notice of location thereon (See 10), and complying with the State laws, regarding the recording of the location in the county recorder's office, discovery work, etc.

2. State mining laws.--As supplemental to the United States mining laws there are State statutes relative to location, manner of recording of mining claims, etc., in the State, which should also be observed in the location of mining claims. Information as to State laws can be obtained locally or from State officials.

3. Lands subject to location and purchase.--Vacant public surveyed or unsurveyed lands are open to prospecting, and upon discovery of mineral, to location and purchase, as are also lands in national forests in the public land States (forest regulations must be observed), lands entered or patented under the stock-raising homestead law (title to minerals only can be acquired), lands entered under other agricultural laws but not perfected, where prospecting can be done peaceably, and lands within the railroad grants for which patents have not issued.

4. Status of lands.--Information as to whether any particular tract of land is shown by the records to be vacant and open to prospecting may be obtained from the Register of the land district in which the tract is situated. Since location notices of mining claims are filed in the office of the county recorder, ordinarily no information regarding unpatented mining claims is obtainable from the district land office or the General Land Office unless application for patent has been filed.

5. Minerals subject to location.--Whatever is recognized as a mineral by the standard authorities, whether metallic or other substance, when found in public lands in quantity and quality sufficient to render

the lands valuable on account thereof, is treated as coming within the purview of the mining laws. Deposits of coal, oil, gas, oil shale, sodium, phosphate, potash, and in Louisiana and New Mexico sulphur, belonging to the United States, can be acquired under the mineral leasing laws, and are not subject to location and purchase under the United States mining laws.

6. Mining locations.-Areas.--Lode locations for minerals discovered in lode or vein formation may not exceed in length 1,500 feet along the vein and in width 300 feet on each side of the middle of the vein, the end lines of the location to be parallel to each other. Placer locations, which include all minerals not occurring in vein or lode formation, may be for areas of not more than 20 acres for each locator, no claim to exceed 160 acres made by not less than eight locators. Placer locations must conform to the public surveys wherever practicable.

7. Who may make locations.--Citizens of the United States, or those who have declared their intention to become such, including minors who have reached the age of discretion and corporations organized under the laws of any State. Agents may make locations for qualified locators.

8. Number of locations.--There is no limit to the number of lode or placer locations which an individual or association may locate, except that in Alaska a person is restricted to the location of two placer claims in any calendar month.

9. Valid locations.--Discovery after conveyance.--A location is not valid until an actual discovery of mineral is made within the limits thereof. A placer location of more than 20 acres, made by two or more locators and conveyed to a less number before discovery is made, is valid to the extent of 20 acres only for each owner at date of discovery.

10. Locations to be marked on ground.--Notice.--Except placer claims described by legal subdivision, all mining claims must be distinctly marked on the ground so that their boundaries may be readily traced, and all notices must contain the name or names of the locators, the date of location and such a description of the claim by reference to some natural object or permanent monument as will serve to identify the claim.

11. Locations on streams and bodies of water.--Beds of navigable waters are subject to the laws of the State in which they are situated and are not locatable under the United States mining laws. Title to the beds of meandered non-navigable streams is in the riparian owner. The beds of unmeandered, non-navigable streams are subject to location under the United States mining laws if they are unoccupied, as are also the beds of meandered non-navigable streams when the abutting upland is unappropriated.

12. Maintenance.-Annual assessment work.-Adverse claim.-Jurisdiction.--The right of possession to a valid mining claim is maintained by the expenditure annually of at least $100 in labor or improvements of a mining nature on the claim, the first annual assessment period commencing at 12 o'clock noon on the first day of July succeeding the date of location. Failure to perform the assessment work for any year will subject the claim to relocation, unless work for the benefit of the claim is resumed before a relocation is made. The determination of the question of the right of possession between rival or adverse claimants to the same mineral land is committed exclusively to the court. (See 18).

13. Expenditures on claim for patent purposes.-Lode.-Placer.-Millsite.--Five hundred dollars in labor or improvements of a mining nature, must be expended upon or for the benefit of each lode or placer claim, and compliance with the United States mining laws made otherwise, to entitle the claimant to prosecute patent proceedings therefor. Such expenditures must be completed prior to the expiration of the period during which notice of the patent proceedings is published. Patent expenditures on a millsite are not required, but it must be shown that the millsite is used or occupied for mining or milling purposes at the time an application for patent therefor is filed.

14. Patent not necessary.--One may develop, mine and dispose of mineral in a valid mining location without obtaining a patent, but possessory right must be maintained by the performance of annual assessment work on the claim in order to prevent its relocation by another.

15. Procedure to obtain patent to mining claims.--The owner or owners of a valid mining location, or group of locations, on which not less than $500 has been expended on or for the benefit of each claim, may institute patent proceedings therefor in the district land office. Information as to patent procedure can be obtained from the Register of the local land office or from the General Land Office. In general, a survey must be applied for unless the claim is a placer claim located by legal subdivisions, the application for survey to be made to the Public Survey Office in the State wherein the claim is situated. Applications for patent are filed in the district land office. A notice of the application is required to be posted on the land prior to filing the application and to be published by the Register after the application is filed.

16. Blank forms.--No set form of location notices nor of the papers filed in patent proceedings for mining claims is required and no blank forms are furnished by the General Land Office, or by the district land offices for use in mineral cases. Forms containing essentials are printed by local private parties or concerns. The Registers of the local land offices can usually advise you where such forms may be obtained.

17. Common improvements.--An improvement, made upon one of a group of contiguous claims (cornering is not contiguity) owned in common, may be applied to such claims of the group, in existence at the time the improvement is made, shown to be benefited thereby.

18. Adverse claims.--An adverse claim may be filed during the period of publication of notice of an application for patent by one claiming a possessory right under another mining location to all or some portion of the land applied for, and must show fully the nature, boundaries and extent of the area in conflict, to be followed, within thirty days after filing, by suit in a court of competent jurisdiction. If suit is filed, all proceedings on the application, except the filing of the affidavit of the notice, are stayed to await the outcome of the court proceedings.

19. Co-owners.--A co-owner not named in the application for patent can not assert his rights by filing an adverse claim, a protest being proper to cause his alleged rights to be considered when the case is adjudicated. If a co-owner fails to do his proper proportion of annual assessment work on a claim, or fails to contribute his proportion of the cost thereof, the co-owners who have caused the work to be done during any assessment period may, at the expiration of the assessment year, give such delinquent co-owner personal notice in writing, or notice by publication in a newspaper published nearest the claim for at least once a week for ninety days, and if at the expiration of ninety days after such notice in writing, or 180 days after the first newspaper publication such delinquent should fail to contribute his proportion of the expense required, his interest in the claim becomes the property of his co-owners who have made the expenditure.

20. Lode in placer.--If a placer mining applicant fails to state that there is a known lode within the boundaries of the claim, it is taken as a conclusive declaration that he has no right of possession thereto. If no such vein or lode be known the placer patent will convey all valuable mineral and other deposits within the boundaries of the claim. A known lode not included in an application for patent to the claim may be applied for even after issuance of patent to the placer mining claim. Where a placer mining claimant makes application for a placer containing within its boundaries a lode claim owned by him the lode must be surveyed, the lode being paid for on the basis of $5 per acre and the remaining portions of the placer at the rate of $2.50 per acre.

21. The United States Mining Laws are applicable to the following States:--Alaska (subject to certain modifications), Arizona, Arkansas, California, Colorado, Florida, Idaho, Louisiana, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington and Wyoming.

22. National Parks and Monuments.--With the exception of Mt. McKinley National Park, in Alaska, and Death Valley National Monument, in California, mining locations may not be made on lands in national parks and monuments after their establishment.

23. Withdrawals.--Withdrawals usually bar location under the mining laws, but those made under the act of June 25, 1910 (36 Stat.,847), as amended by the act of August 24, 1912 (37 Stat.,497), permit locations of the withdrawn lands containing metalliferous minerals, subject however to section 24 of the Federal water power act when controlled by that act.

24. Minerals in Indian lands.--In general, the mineral deposits in Indian reservations are subject to leasing and are under the Administration of the Office of Indian Affairs.

25. Mineral land in agricultural entries.-Protest.-Contest.--Where lands known to be valuable for minerals are embraced in an agricultural filing, other than a stock-raising homestead filing, a mineral claimant may initiate a contest thereagainst by filing a protest sworn to and in duplicate, in the local land office, alleging sufficient facts, which, if proven, will establish the mineral character of the land, and warrant cancellation of the agricultural filing. The protest must be corroborated by one or more witnesses having knowledge of the facts alleged. In the case of stock-raising homestead entries, a mineral claimant, whose location antedates the homestead filing, must protest such filing in order to protect his title to the surface of his mining claim.

26. Cost of patent proceedings for mining claims.--With the exception of the fixed charges, such as the fee for filing an application for patent, which is $10, the purchase price of lands in lode claims and millsites at $5 per acre, and $5 for each fractional part of an acre, and $2.50 per acre or fraction of an acre for placer lands, unless otherwise provided by law as to certain lands, no estimate can be furnished as to what it will cost to procure a patent. The cost of publication, survey, and abstract of title depends upon the services rendered and vary in each case.

Fred W. Johnson,

Commissioner.

District Land Offices at Little Rock,
Gainesville, Cass Lake, and Alliance,
discontinued Jan. 31, 1933. See
paragraph two of this circular.

CIRCULAR No. 1282

VACANT PUBLIC LANDS ON JULY 1, 1932

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., July 1, 1932.

GENERAL INFORMATION

The lands in the thirteen original States, Connecticut, Delaware, Georgia, Maryland, Massachusetts, North Carolina, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, South Carolina, and Virginia, also in Texas, never formed a part of the public domain; their disposition is governed by the State laws, and information concerning same should be sought from the State authorities.

There are no public lands in the State of Kentucky and Tennessee, and none is known to this office remaining undisposed of in the States of Illinois, Indiana, Iowa, Missouri, and Ohio. Small areas remain in the States of Alabama, Kansas, Louisiana, Michigan, Mississippi, Oklahoma, and Wisconsin, in widely scattered tracts, and no descriptive lists thereof are available. Entry of these lands must be made at, and all other related business transacted with, the General Land Office, at Washington, D. C., as there are no district offices in the States named.

Because of the small proportion of surveyed land, no attempt is made to give statistical information concerning the unappropriated Government land in the Territory of Alaska. The total area of the Territory is 378,165,760 acres, of which about 30,000,000 acres are reserved. Of the reserved area, 21,397,239 acres are within the boundaries of national forest. Approximately 1,969,865 acres have been surveyed under the rectangular system and special surveys by metes and bounds.

The following tables show, by States, land districts, and counties, the area of unappropriated and unreserved public lands, surveyed and unsurveyed, with a brief statement of their character.

These figures are as nearly correct as is possible under the circumstances and are mainly intended to convey general information as to the quantity, character, and location of the public lands. As a rule, the Government is unable to furnish specific information as to soil, topography, and value of the land for different purposes. It may be stated generally, however, that the remaining vacant public lands, not mineral in character, are chiefly valuable for grazing purposes, though some tillable land may be found.

The General Land Office can not advise inquirers as to the location of the unappropriated tracts in counties where only a few acres are reported as vacant. Information on that subject may be obtained by a careful examination of the records of the district land offices or of this office, which are open for inspection when not in official use. No maps of States and counties showing the location of the vacant public lands are furnished but township diagrams and plats giving information specified below may be prepared and sold by the registers of the various district land offices at the following prices:

For a township diagram showing entered land only	$1. 00
For a township plat showing form of entries, names of claimants, and character of entries	2. 00
For a township plat showing form of entries, names of claimants, character of entry, and number	3. 00
For a township plat showing form of entries, names of claimants, character of entry, number, and date of filing or entry, together with topography, etc	4. 00

The General Land Office records are subject to reasonable inspection for the purpose of obtaining data as to vacant public land, and it will be glad to furnish information as to the status of any particular tract if the legal subdivision, section, township, and range thereof, according to the public land survey, is given, or, if unsurveyed, by its relative position to adjacent surveyed lands.

The district officers furnish prospective settlers general advice as to lands in their respective districts and literature regarding the methods of making entry. However, personal inspection must be made of the tract to be entered before application is filed, and the settler should exercise great care to satisfy himself as to its character before taking any other step.

No stamps or self-addressed envelopes need be sent with inquiries.

Very respectfully,

C. C. Moore, *Commissioner.*

Approved: July 25, 1932.
Jos. M. Dixon,
First Assistant Secretary.

Statement showing the unappropriated and unreserved lands by district and county on July 1, 1932

[Counties containing no vacant land are omitted]

ARIZONA

Land district and county	Area in acres			Character
	Surveyed	Unsurveyed	Total	
Apache	340, 000	None.	340, 000	Desert.
Cochise	400, 000	65, 000	465, 000	Mountainous and arid.
Coconino	520, 000	265, 000	785, 000	Rough and arid.
Gila	40, 000	15, 000	55, 000	Mountainous and arid.
Graham	410, 000	270, 000	680, 000	Do.
Greenlee	120, 000	100, 000	220, 000	Do.
Maricopa	700, 000	994, 000	1, 694, 000	Desert.
Mohave	1, 400, 000	1, 166, 000	2, 566, 000	Do.
Navajo	165, 000	None.	165, 000	Do.
Pima	525, 000	970, 000	1, 495, 000	Do.
Pinal	700, 000	127, 000	827, 000	Do.
Santa Cruz	2, 760	None.	2, 760	Arid and rolling.
Yavapai	700, 000	310, 000	1, 010, 000	Mountainous and arid.
Yuma	800, 000	2, 477, 000	3, 277, 000	Desert.
Total	6, 822, 760	6, 759, 000	13, 581, 760	

ARKANSAS

Land district and county	Surveyed	Unsurveyed	Total	Character
Little Rock:				
Baxter	9, 360	------------	9, 360	Mountainous, timbered, mineral.
Benton	560	------------	560	Mountainous, timbered.
Boone	1, 400	------------	1, 400	Do.
Carroll	1, 600	------------	1, 600	Do.
Cleburne	9, 360	------------	9, 360	Do.
Conway	1, 080	------------	1, 080	Do.
Craighead	1, 480	------------	1, 480	Swampy, timbered.
Crawford	3, 360	------------	3, 360	Mountainous, timbered.
Faulkner	480	------------	480	Broken, rough, timbered.
Franklin	1, 840	------------	1, 840	Do.
Fulton	13, 757	------------	13, 757	Do.
Hot Springs	240	------------	240	Broken, timbered.
Howard	240	------------	240	Do.
Independence	4, 520	------------	4, 520	Broken, mountainous, timbered.
Izard	14, 620	------------	14, 620	Do.
Jackson	120	------------	120	Hilly, some timber.
Johnson	4, 520	------------	4, 520	Mountainous, timbered.
Lafayette	80	------------	80	Low, wet land.
Lawrence	1, 080	------------	1, 080	Broken, timbered.
Logan	3, 720	------------	3, 720	Mountainous, timbered.
Madison	5, 880	------------	5, 880	Do.
Marion	5, 105	------------	5, 105	Do.
Miller	240	------------	240	Low, wet land.
Mississippi	2, 720	------------	2, 720	Overflow land, timbered.
Monroe	40	------------	40	Do.
Montgomery	720	------------	720	Broken, mountainous, timbered.
Newton	7, 020	------------	7, 020	Do.
Perry	120	------------	120	Do.
Pike	960	------------	960	Do.
Poinsett	600	------------	600	Overflow land, timbered.
Polk	880	------------	880	Mountainous, timbered.
Pope	3, 080	------------	3, 080	Do.
Randolph	2, 960	------------	2, 960	Broken, rough, timbered.
Saline	40	------------	40	Do.
Scott	3, 720	------------	3, 720	Do.
Searcy	7, 030	------------	7, 030	Do.
Sebastian	2, 080	------------	2, 080	Do.
Sevier	480	------------	480	Do.
Sharp	10, 200	------------	10, 200	Do.
Stone	17, 960	------------	17, 960	Do.
Van Buren	24, 360	------------	24, 360	Do.
Washington	5, 512	------------	5, 512	Do.
White	280	------------	280	Do.
Yell	520	------------	520	Do.
Total	175, 924	------------	175, 924	

Statement showing the unappropriated and unreserved lands by dirtrict and county on July 1, 1932—Continued

CALIFORNIA

Land district and county	Area in acres			Character
	Surveyed	Unsurveyed	Total	
Los Angeles:				
Imperial	605, 966	126, 735	732, 701	Level, rolling, mountainous, all desert.
Kern	68, 643		68, 643	Arid, level desert, mountainous.
Los Angeles	4, 955	55	5, 010	Do.
Riverside	701, 024	698, 485	1, 399, 509	Do.
San Bernardino	3, 194, 860	784, 176	3, 979, 036	Do.
San Diego	440, 380	38, 340	478, 720	Do.
Ventura	2, 968		2, 968	Mountainous.
Total	5, 018, 796	1, 647, 791	6, 666, 587	
Sacramento:				
Alpine	2, 016	300	2, 316	Rough, mountainous.
Amador	9, 638		9, 638	Hilly, grazing, mineral.
Butte	9, 666	320	9, 986	Do.
Calaveras	18, 074		18, 074	Do.
Colusa	21, 005	1, 980	22, 985	Hilly, grazing.
El Dorado	14, 949		14, 949	Grazing, mineral, mountainous.
Fresno	95, 446		95, 446	Grazing, rough, mountainous, desert.
Glenn	10, 365		10, 365	Hilly, grazing.
Humboldt	1, 756	2, 799	4, 555	Mountainous, grazing, timber.
Inyo	875, 663	2, 136, 644	3, 012, 307	Mountainous, desert, mineral.
Kern	471, 039	96, 428	567, 467	Mountainous, grazing, mineral, desert.
Kings	686		686	Mountainous, desert.
Lake	90, 471	2, 720	93, 191	Hilly, grazing.
Lassen	689, 680	3, 453	693, 133	Grazing, mineral, timber, desert.
Madera	593	600	1, 193	Mountainous, grazing.
Mariposa	26, 383		26, 383	Hilly, grazing, mineral.
Mendocino	72, 403	1, 600	74, 003	Rough, grazing.
Merced	3, 756		3, 756	Rough, mountainous.
Modoc	235, 866	71, 534	307, 400	Grazing, timber, mineral.
Mono	96, 474	33, 110	129, 584	Mountainous, grazing, mineral.
Monterey	60, 351		60, 351	Rough, mountainous.
Napa	39, 954		39, 954	Do.
Nevada	10, 429		10, 429	Mountainous, grazing, mineral.
Placer	1, 978		1, 978	Mountainous, mineral.
San Benito	121, 258		121, 258	Rough, mountainous.
San Bernardino	1, 828, 159	1, 311, 362	3, 139, 521	Mountainous, desert, mineral.
San Luis Obispo	133, 671	2, 510	136, 181	Rough, mountainous.
Santa Barbara	4, 022		4, 022	Do.
Santa Clara	17, 342		17, 342	Do.
Shasta	82, 271	63, 405	145, 676	Mountainous, grazing, mineral.
Sierra	1, 617		1, 617	Mountainous, timber, mineral.
Siskiyou	53, 754	13, 694	67, 448	Mountainous, grazing, mineral.
Solano	880		880	Rough, mountainous.
Sonoma	9, 599	1, 370	10, 969	Do.
Stanislaus	15, 821		15, 821	Do.
Tehama	24, 091	429	24, 520	Hilly, grazing, mineral.
Trinity	31, 291	4, 700	35, 991	Mountainous, grazing, mineral, timber.
Tulare	66, 205	15, 895	82, 100	Mountainous, grazing.
Tuolumne	7, 865	1, 600	9, 465	Mountainous, grazing, mineral.
Yolo	22, 400	640	23, 040	Hilly, grazing.
Total	5, 278, 887	3, 767, 093	9, 045, 980	
State total	10, 297, 683	5, 414, 884	15, 712, 557	

Statement showing the unappropriated and unreserved lands by district and county on July 1, 1932—Continued

COLORADO

Land district and county	Area in acres			Character
	Surveyed	Unsurveyed	Total	
Denver:				
Boulder	3, 362		3, 362	Mountainous, mineral.
Chaffee	88, 900		88, 900	Grazing, mineral, mountainous.
Clear Creek	4, 668	11, 600	16, 268	Mountainous, mineral.
Delta	128, 130	1, 600	129, 730	Grazing, Agricultural, mountainous.
Dolores	27, 990		27, 990	Mountainous.
Douglas	40		40	Arid, grazing, mineral.
Eagle	121, 450		121, 450	Grazing, agricultural, mountainous.
Elbert	160		160	Mountainous, mineral.
Fremont	24, 360		24, 360	Mountainous, grazing, mineral.
Garfield	431, 680	94, 560	526, 240	Mountainous, grazing, shale, coal.
Gilpin	1, 477	1, 120	2, 597	Mountainous, grazing, mineral.
Grand	62, 310		62, 310	Grazing, mountainous, mineral, coal.
Gunnison	262, 170	73, 900	336, 070	Grazing, mountainous, agricultural.
Hinsdale	66, 900	48, 730	115, 630	Grazing, mountainous.
Jackson	168, 140		168, 140	Do.
Jefferson	1, 250		1, 250	Do.
Lake	11, 160	12, 800	23, 960	Do.
Larimer	22, 966		22, 966	Do.
Logan	2, 600		2, 600	Sandy, grazing, agricultural.
Mesa	578, 690	180, 530	759, 220	Grazing, agricultural, coal.
Moffat	1, 205, 880	194, 020	1, 399, 900	Mountainous, grazing, agricultural, coal.
Montrose	458, 100	61, 400	519, 500	Mountainous, grazing, agricultural.
Morgan	1, 155		1, 155	Sandy, grazing, agricultural.
Park	54, 740	11, 000	65, 740	Mountainous, grazing.
Phillips	322		322	Sandy, grazing, agricultural.
Ouray	32, 700	1, 920	34, 620	Grazing, mineral.
Pitkin	12, 200		12, 200	Mountainous, grazing.
Rio Blanco	802, 610	235, 700	1, 038, 310	Agricultural, grazing, coal.
Routt	51, 140	1, 700	52, 840	Do.
Saguache	83, 470		83, 470	Mountainous, grazing.
San Miguel	249, 660	29, 090	278, 750	Mountainous, grazing, agricultural.
Sedgwick	40		40	Mountainous, grazing.
Summit	13, 420		13, 420	Grazing.
Teller	1, 520		1, 520	Mountainous, grazing, mineral.
Washington	560		560	Grazing, mineral.
Weld	2, 880		2, 880	Grazing, sandy.
Yuma	880		880	Do.
Total	4, 979, 680	959, 670	5, 939, 350	
Pueblo:				
Alamosa	33, 187		33, 187	Mountainous.
Archuleta	90, 438	7, 680	98, 118	Mountainous, grazing, mineral.
Baca	742		742	Agricultural, grazing.
Bent	3, 187		3, 187	Do.
Chaffee	825		825	Agricultural, grazing, mountainous.
Cheyenne	106		106	Agricultural, grazing.
Conejos	237, 879		237, 879	Do.
Crowley	970		970	Do.
Custer	9, 521		9, 521	Mountainous, grazing.
Dolores	17, 748	5, 480	23, 228	Agricultural, grazing, mountainous.
Elbert	120		120	Agricultural, grazing.
El Paso	1, 804		1, 804	Mountainous, grazing.
Fremont	271, 226	10, 146	281, 372	Do.
Hinsdale		9, 900	9, 900	Mountainous, mineral.
Huerfano	45, 160		45, 160	Agricultural, grazing.
Kiowa	439		439	Do.
Kit Carson	228		228	Do.
La Plata	151, 880		151, 880	Agricultural, grazing, mountainous.
Las Animas	37, 159		37, 159	Agricultural, grazing.
Lincoln	1, 189		1, 189	Do.
Montezuma	180, 393	31, 825	212, 218	Agricultural, grazing, mountainous.
Otero	1, 176		1, 176	Agricultural, grazing, sandy.
Prowers	902		902	Do.
Pueblo	11, 950		11, 950	Agricultural, grazing, mountainous.
Rio Grande	75, 299	1, 448	76, 747	Mountainous, grazing.
Saguache	217, 731		217, 731	Do.
San Juan		46, 023	46, 023	Mountainous, grazing, mineral.
Teller	24, 486		24, 486	Do.
Total	1, 415, 745	112, 502	1, 528, 247	
State total	6, 395, 425	1, 072, 172	7, 467, 597	

Statement showing the unappropriated and unreserved lands by district and county on July 1, 1932—Continued

FLORIDA

Land district and county	Area in acres			Character
	Surveyed	Unsurveyed	Total	
Gainesville:				
Baker	440		440	Low pine.
Brevard	45		45	Low pine and swamp.
Bay	40		40	Low pine.
Bradford	81		81	Do.
Calhoun	227		227	Do.
Citrus	618		618	Do.
Clay	361		361	Do.
Collier	280	802	1,082	Low pine and swamp.
Columbia	164		164	Low pine.
Dixie	360		360	Do.
Escambia	105		105	Do.
Flagler	120		120	Do.
Gadson	128		128	Do.
Gilchrist	601		601	Do.
Glades	527		527	Do.
Gulf	25		25	Do.
Hamilton	262		262	Do.
Hernando	40		40	Do.
Highlands	118	1,486	1,604	Low pine and swamp.
Holmes	275		275	Low pine.
Jackson	70		70	Do.
Jefferson	3		3	Do.
La Fayette	360		360	Do.
Lake	1,109		1,109	Do.
Lee	184		184	Do.
Levy	475		475	Do.
Liberty	781		781	Do.
Leon	162		162	Do.
Madison	210		210	Do.
Manatee	160		160	Do.
Marion	284		284	Do.
Nassau	78		78	Do.
Okaloosa	40		40	Do.
Okeechobee		14,016	14,016	Swamp.
Osceola	80		80	Low pine.
Palm Beach	40		40	Low pine and swamp.
Polk	160		160	Low pine.
Putnam	415		415	Do.
St. Johns	11		11	Do.
Santa Rosa	40		40	Do.
Sarasota	240		240	Do.
Seminole	160		160	Do.
Sumter	121		121	Do.
Suwannee	91		91	Do.
Taylor	172		172	Do.
Union	140		140	Do.
Volusia	525	4,120	4,645	Low pine and scrub.
Walton	151		151	Low pine.
Washington	800		800	Do.
Total	11,879	20,424	82,303	

Statement showing the unappropriated and unreserved loads by district and county on July 1, 1932—Continued

IDAHO

Land district and county	Area in acres			Character
	Surveyed	Unsurveyed	Total	
Blackfoot:				
Ada	249, 160	------------	249, 160	Arid, mountainous, grazing.
Adams	30, 800	------------	30, 800	Mountainous, timber, grazing.
Bannock	55, 380	------------	55, 380	Grazing and mountainous.
Bear Lake	16, 980	------------	16, 980	Do.
Bingham	231, 240	34, 140	265, 380	Lava and dry farming.
Blaine	422, 740	229, 520	652, 260	Mountainous and grazing.
Boise	64, 980	------------	64, 980	Mountainous, timber, grazing, mineral.
Bonneville	40, 200	42, 240	82, 440	Lava and dry farming.
Butte	607. 200	143, 680	750, 880	Mountainous, grazing.
Camas	69, 480	------------	69, 480	Grazing and mountainous.
Canyon	12, 380	------------	12, 380	Arid grazing.
Caribou	19, 380	------------	19, 380	Grazing, mountainous.
Cassia	313, 640	3, 840	317, 480	Mountainous, lava, grazing.
Clark	230, 380	26, 860	257, 240	Dry farming and sandy.
Custer	686, 080	180, 280	866, 360	Mountainous, grazing.
Elmore	445, 960	------------	445, 960	Lava and sagebrush.
Franklin	1, 080	------------	1, 080	Grazing and mountainous.
Fremont	60, 120	------------	60, 120	Dry farming and sandy.
Gem	30, 240	------------	30, 240	Arid, grazing, mountainous.
Gooding	158, 000	5, 120	163, 120	Grazing and mountainous.
Idaho	64, 680	46, 000	110, 680	Arid, timber, grazing, mineral.
Jefferson	260, 460	------------	260, 460	Dry farming and sandy.
Jerome	119, 640	------------	119, 640	Lava and sagebrush plains.
Lemhi	440, 800	90, 080	530, 880	Mountainous and grazing.
Lincoln	290, 720	145, 160	435, 880	Lava, plains, and grazing.
Madison	5, 280	------------	5, 280	Mountainous.
Minidoka	118, 760	69, 760	188, 520	Agricultural and sagebrush plains.
Oneida	108, 800	------------	108, 800	Mountainous.
Owyhee	3, 193, 080	479, 680	3, 672, 760	Lava, grazing, and sagebrush.
Payette	36, 320	------------	36, 320	Arid, mountainous, grazing.
Power	166, 560	30, 080	196, 640	Mountainous.
Teton	2, 240	------------	2, 240	Do.
Twin Falls	370, 080	23, 040	393, 120	Agricultural and sagebrush plains.
Valley	5, 240	------------	5, 240	Arid, mountainous, mineral, timber.
Washington	135, 560	------------	135, 560	Do.
Total	9, 063, 640	1, 549, 480	10, 613, 120	
Coeur d'Alene:				
Benewah	27, 532	------------	27, 532	Timber, rough grazing.
Bonner	20, 367	------------	20, 367	Do.
Boundary	4, 840	------------	4, 840	Timber, brushy hillsides.
Clearwater	10, 727	------------	10, 727	Grazing, timber, mining.
Idaho	33, 157	35, 280	68, 437	Do.
Kootenai	19, 882	------------	19, 882	Do.
Latah	1, 580	------------	1, 580	Do.
Lewis	5, 220	------------	5, 220	Do.
Nez Perce	12, 232	------------	12, 232	Do.
Shoshone	75, 135	6, 400	81, 535	Do.
Totals	210, 672	41, 680	252, 352	
State total	9, 274, 312	1, 591, 160	10, 865, 472	

MINNESOTA

Land district and county	Surveyed	Unsurveyed	Total	Character
Cass Lake:				
Aitkin	762	------------	762	Low, wet.
Beltrami	24, 670	------------	24, 670	Generally swampy.
Big Stone	4	------------	4	Low.
Carlton	440	------------	440	Swampy.
Carver	. 52	------------	. 52	Low.
Cass	1, 008	------------	1, 008	Low, wet.
Clearwater	3, 970	------------	3, 970	Rolling, swampy.
Douglas	1	------------	1	Low.
Hubbard	264	------------	264	Rough.
Itasca	2, 260	------------	2, 260	Rough, swampy.
Koochiching	85, 680	------------	85, 680	Sandy, swampy.
Lake	3, 880	------------	3, 880	Rocky, broken.
Lake of the Woods	102, 579	------------	102, 579	Agricultural, swampy, timber.
Marshall	793	------------	793	Swampy.
Ottertail	13	------------	13	Swampy.
Pine	160	------------	160	Low, sandy.
Polk	84	------------	84	Low, wet.
Red Lake	103	------------	103	Swampy.
Roseau	16, 152	------------	16, 152	Swampy, partly drained.
St. Louis	26, 400	------------	26, 400	Swampy, agricultural.
Wadena	225	------------	225	Low, wet.
Wright	2	------------	2	Rolling.
Total	269, 451	------------	269, 451	

Statement showing the unappropriated and unreserved lands by district and county on July 1, 1932—Continued

MONTANA

Land district and county	Area in acres			Character
	Surveyed	Unsurveyed	Total	
Billings:				
Beaverhead	28, 174	----------	28, 174	Rough, mountainous, grazing.
Big Horn	33, 058	----------	33, 058	Farming, grazing, mountainous.
Broadwater	10, 107	----------	10, 107	Rough, grazing, mountainous.
Carbon	197, 154	5, 600	202, 754	Do.
Carter	380, 976	----------	380, 976	Farming, grazing.
Chouteau	16, 948	----------	16, 948	Rough, grazing, mountainous.
Custer	182, 410	----------	182, 410	Grazing, rough, farming.
Dawson	51, 213	----------	51, 213	Do.
Fallon	37, 912	----------	37, 912	Do.
Fergus	217, 552	----------	217, 552	Do.
Gallatin	17, 512	----------	17, 512	Grazing, mountainous.
Garfield	617, 005	----------	617, 005	Grazing, rough, farming.
Golden Valley	9, 965	----------	9, 965	Grazing, mountainous.
Jefferson	11, 559	----------	11, 559	Do.
Judith Basin	5, 674	----------	5, 674	Grazing, mountainous, farming.
McCone	98, 904	----------	98, 904	Do.
Madison	32, 808	----------	32, 808	Do.
Musselshell	21, 560	----------	21, 560	Do.
Park	17, 370	----------	17, 370	Mountainous.
Petroleum	202, 730	----------	202, 730	Rough, grazing, farming.
Powder River	146, 990	----------	146, 990	Rough, grazing.
Prairie	37, 883	----------	37, 883	Do.
Richland	16, 098	----------	16, 098	Rough, grazing, farming.
Rosebud	229, 973	----------	229, 973	Do.
Stillwater	7, 502	----------	7, 502	Mountainous, grazing.
Sweetgrass	13, 086	----------	13, 086	Rough, grazing, farming.
Treasure	12, 559	----------	12, 559	Do.
Wheatland	2, 440	----------	2, 440	Do.
Wibaux	23, 957	----------	23, 957	Do.
Yellowstone	11, 401	----------	11, 401	Mountainous, rough, grazing.
Total	2, 692, 480	5, 600	2, 698, 080	
Great Falls:				
Beaverhead	427, 468	38, 720	466, 138	Grazing, hilly, mountainous.
Blaine	248, 213	----------	248, 213	Agricultural, grazing, mountainous.
Broadwater	48, 411	----------	48, 411	Grazing, hilly, mountainous.
Cascade	31, 173	----------	31, 173	Agricultural, grazing, hilly.
Choteau	83, 697	----------	83, 697	Do.
Daniels	7, 718	----------	7, 718	Do.
Deer Lodge	16, 096	12, 420	28, 516	Grazing, mountainous.
Fergus	8, 037	----------	8, 037	Do.
Flathead	12, 637	----------	12, 637	Lightly timbered, burned over.
Gallatin	1, 892	----------	1, 892	Grazing, mountainous.
Garfield	95, 569	----------	95, 569	Agricultural, grazing.
Glacier	3, 428	----------	3, 428	Agricultural, grazing, mountainous.
Granite	44, 017	----------	44, 017	Grazing, mountainous.
Hill	21, 322	----------	21, 322	Agricultural, grazing.
Jefferson	55, 075	----------	55, 075	Grazing, mountainous.
Judith Basin	4, 905	1, 600	6, 505	Grazing, hilly.
Lake	3, 160	----------	3, 160	Grazing, timbered, mountainous.
Lewis and Clark	69, 832	----------	69, 832	Grazing, hilly, mountainous.
Liberty	12, 152	----------	12, 152	Agricultural, grazing, hilly.
Lincoln	8, 773	----------	8, 773	Lightly timbered, burned over.
Madison	152, 655	----------	152, 655	Grazing, hilly, mountainous.
McCone	129, 066	----------	129, 066	Agricultural, grazing.
Meagher	14, 172	----------	14, 172	Grazing, hilly.
Mineral	4, 410	----------	4, 410	Grazing, mountainous.
Missoula	35, 523	13, 160	48, 683	Do.
Park	920	----------	920	Do.
Phillips	860, 171	----------	860, 171	Agricultural, grazing.
Pondera	11, 481	----------	11, 481	Do.
Powell	71, 019	----------	71, 019	Grazing, mountainous.
Ravalli	7, 894	4, 640	12, 534	Do.
Richland	32, 345	----------	82, 345	Agricultural, grazing.
Roosevelt	37, 672	----------	37, 672	Do.
Sanders	20, 047	10, 880	30, 927	Grazing, mountainous.
Sheridan	12, 041	----------	12, 041	Agricultural, grazing.
Silver Bow	43, 687	----------	43, 687	Grazing, hilly, mountainous.
Teton	23, 578	----------	23, 578	Grazing, hilly.
Toole	44, 443	----------	44, 443	Agricultural, grazing.
Valley	753, 711	----------	753, 711	Do.
Wheatland	519	----------	519	Grazing, hilly.
Totals	3, 458, 929	81, 420	3, 540, 349	
State total	6, 151, 409	87, 020	6, 238, 429	

Statement showing the unappropriated and unreserved lands by district and county on July 1, 1932—Continued

NEBRASKA

Land district and county	Area in acres			Character
	Surveyed	Unsurveyed	Total	
Alliance:				
Arthur	50	------------	50	Sandy, grazing.
Blaine	1,573	------------	1,573	Do.
Boone	115	------------	115	Do.
Box Butte	40	------------	40	Rough, grazing.
Boyd	62	------------	62	Overflowed.
Brown	3,400	------------	3,400	Sandy, grazing.
Burt	227	------------	227	Overflowed.
Cherry	3,468	------------	3,468	Sandy, grazing.
Custer	40	------------	40	Overflowed.
Dawes	110	------------	110	Rough, grazing.
Garden	120	------------	120	Sandy, grazing.
Garfield	40	------------	40	Grazing.
Grant	131	------------	131	Rough, grazing.
Hitchcock	80	------------	80	Grazing.
Holt	797	------------	797	Sandy, grazing.
Hooker	2,016	------------	2,016	Do.
Keyapaha	199	------------	199	Grazing.
Knox	410	------------	410	Overflowed.
Lincoln	80	------------	80	Sandy, grazing.
Logan	320	------------	320	Do.
Loup	392	------------	392	Do.
McPherson	1,322	------------	1,322	Do.
Morrill	784	------------	784	Do.
Rock	680	------------	680	Do.
Sarpy	18	------------	18	Grazing.
Sheridan	120	------------	120	Sandhill, grazing.
Sioux	740	------------	740	Rough, grazing.
Thomas	2,752	------------	2,752	Sandy, grazing.
Washington	99	------------	99	Overflowed.
Wheeler	40	------------	40	Sandy, grazing.
Total	20,225	------------	20,225	

NEVADA

Land district and county	Surveyed	Unsurveyed	Total	Character
Carson City:				
Churchill	1,120,085	1,234,206	2,354,291	Mountainous, arid, grazing, little timber.
Clark	1,648,684	769,457	2,418,141	Do.
Douglas	114,468	4,402	118,870	Mountainous, arid, grazing.
Elko	6,107,871	1,033,518	7,141,389	Do.
Esmeralda	150,922	775,041	925,963	Mountainous.
Eureka	1,228,550	874,107	2,102,657	Do.
Humboldt	2,211,486	2,265,635	4,477,121	Do.
Lander	1,777,528	961,545	2,739,073	Do.
Lincoln	2,533,651	4,069,907	6,603,558	Do.
Lyon	339,501	196,248	535,749	Do.
Mineral	1,372,662	588,490	1,961,152	Mountainous, arid, grazing, little timber.
Nye	4,271,967	5,411,041	9,683,008	Mountainous, arid, grazing.
Ormsby	25,405	19,980	45,385	Mountainous, arid, grazing, second-growth timber.
Pershing	1,910,335	744,582	2,654,917	Do.
Storey	93,454	1,272	94,726	Mountainous, arid, grazing.
Washoe	2,117,778	433,044	2,550,822	Do.
White Pine	3,162,481	1,652,631	4,815,112	Mountainous, arid, grazing, second-growth timber.
Total	30,186,828	21,035,106	51,221,934	

Statement showing the unappropriated and unreserved lands by district and county on July 1, 1932—Continued

NEW MEXICO

Land district and county	Area in acres			Character
	Surveyed	Unsurveyed	Total	
Las Cruces:				
Catron	208, 540	------------	208, 540	Grazing, mountainous.
Chaves	759, 058	45, 564	804, 622	Grazing, agricultural.
Dona Ana	1, 281, 215	109, 214	1, 390, 429	Agricultural, arid.
Eddy	1, 059, 484	94, 720	1, 154, 204	Do.
Grant	388, 350	46, 080	434, 430	Mountainous, mineral.
Hidalgo	645, 093	118, 880	763, 973	Grazing, arid.
Lea	372, 540	------------	372, 540	Grazing, agricultural, arid.
Lincoln	356, 821	12, 060	368, 881	Grazing, mountainous.
Luna	652, 850	161, 280	814, 130	Arid, grazing, agricultural.
Otero	1, 681, 929	208, 000	1, 889, 929	Arid, grazing.
Roosevelt	5, 922	------------	5, 922	Agricultural, grazing.
Sierra	568, 437	13, 790	582, 227	Mountainous, grazing.
Socorro	1, 356, 079	148, 389	1, 504, 468	Arid, grazing, mountainous.
Torrance	2, 000	------------	2, 000	Agricultural, mountainous.
Total	9, 338, 318	957, 977	10, 296, 295	
Santa Fe:				
Bernalillo	23, 334	1, 119	24, 453	Grazing, agricultural.
Catron	237, 066	8, 000	245, 066	Mountainous, grazing.
Chaves	71, 709	------------	71, 709	Grazing, agricultural.
Colfax	2, 988	------------	2, 988	Do.
Curry	627	------------	627	Do.
De Baca	11, 950	4, 483	16, 433	Do.
Guadulupe	53, 479	------------	53, 479	Do.
Harding	3, 840	------------	3, 840	Do.
Lincoln	80, 810	7, 178	87, 988	Do.
McKinley	212, 023	60, 286	272, 309	Mountainous, grazing, coal.
Mora	6, 796	------------	6, 796	Do.
Quay	28, 046	------------	28, 046	Grazing.
Rio Arriba	409, 132	------------	409, 132	Grazing, agricultural, coal.
Roosevelt	747	------------	747	Grazing.
Sandoval	312, 883	21, 202	334, 085	Mountainous, grazing, coal.
San Juan	814, 401	91, 317	905, 718	Grazing, agricultural, coal.
San Miguel	49, 390	------------	49, 390	Grazing, agricultural.
Santa Fe	72, 084	7, 958	80, 042	Mountainous, grazing, coal.
Socorro	93, 617	5, 600	99, 217	Do.
Taos	149, 780	2, 386	152, 166	Mountainous, grazing.
Torrance	26, 048	------------	26, 048	Do.
Union	8, 579	------------	8, 579	Do.
Valencia	423, 353	16, 644	439, 997	Do.
Total	3, 092, 682	226, 173	3, 318, 855	
State total	12, 431, 000	1, 184, 150	13, 615, 150	

NORTH DAKOTA

Bismarck:				
Benson	927	------------	927	Grazing.
Billings	21, 840	------------	21, 840	Do.
Bottineau	40	------------	40	Do.
Bowman	26, 110	------------	26, 110	Do.
Burke	200	------------	200	Do.
Burleigh	1, 129	------------	1, 129	Do.
Cavalier	110	------------	110	Do.
Dickey	267	------------	267	Do.
Divide	880	------------	880	Do.
Dunn	9, 005	------------	9, 005	Do.
Emmons	1, 444	------------	1, 444	Do.
Golden Valley	4, 004	------------	4, 004	Do.
Grank Forks	40	------------	40	Do.
Grant	840	------------	840	Do.
Kidder	945	------------	945	Do.
Logan	849	------------	849	Do.
McHenry	1, 011	------------	1, 011	Do.
McIntosh	412	------------	412	Do.
McKenzie	47, 480	------------	47, 480	Do.
McLean	1, 222	------------	1, 222	Do.
Mercer	422	------------	422	Do.
Morton	604	------------	604	Do.
Mountrail	2, 174	------------	2, 174	Do.
Oliver	23	------------	23	Do.
Pembina	40	------------	40	Do.

Statement showing the unappropriated and unreserved lands by district and county on July 1, 2932—Continued

NORTH DAKOTA—Continued

Land district and county	Area in acres			Character
	Surveyed	Unsurveyed	Total	
Bismarck—Continued.				
Pierce	2, 149	------------	2, 149	Grazing.
Renville	198	------------	198	Do.
Richland	76	------------	76	Do.
Sargent	480	------------	480	Do.
Sheridan	421	------------	421	Do.
Sioux	7, 982	------------	7, 982	Do.
Slope	6, 370	------------	6, 370	Do.
Stutsman	222	------------	222	Do.
Ward	58	------------	58	Do.
Williams	2, 720	------------	2, 720	Do.
Total	142, 694	------------	142, 694	

OREGON

Land district and county	Surveyed	Unsurveyed	Total	Character
Lakeview:				
Crook	36, 600	------------	36, 600	Grazing.
Deschutes	185, 135	------------	185, 135	Grazing, some timber.
Klamath	206, 177	10, 240	216, 417	Do.
Lake	2, 261, 224	------------	2, 261, 224	Do.
Total	2, 689, 136	10, 240	2, 699, 376	
Roseburg:				
Benton	22, 983	------------	22, 983	Timber, grazing, agricultural.
Clackamas	36, 433	------------	36, 433	Hilly, grazing, timber, agricultural.
Clatsop	2, 465	------------	2, 465	Hilly, grazing.
Columbia	4, 023	------------	4, 023	Hilly, grazing, agricultural.
Coos	41, 714	------------	41, 714	Timber, grazing.
Curry	42, 461	------------	42, 461	Mountainous, timber.
Douglas	175, 278	------------	175, 278	Mineral, grazing, timber.
Jackson	271, 262	------------	271, 262	Timber, grazing, fruit.
Josephine	172, 125	------------	172, 125	Timber, grazing, mineral.
Klamath	5, 600	------------	5, 600	Mountainous, timber.
Lane	64, 639	------------	64, 639	Timber, grazing, mineral.
Lincoln	33, 311	------------	33, 311	Broken, grazing.
Linn	13, 385	------------	13, 385	Hilly, grazing.
Marion	9, 310	------------	9, 310	Hilly, grazing, timber, agricultural.
Multnomah	240	------------	240	Hilly, timber.
Polk	4, 233	------------	4, 233	Hilly, grazing, timber, agricultural.
Tillamook	42, 642	------------	42, 642	Do.
Washington	2, 940	------------	2, 940	Do.
Yamhill	9, 863	------------	9, 863	Do.
Total	954, 907	------------	945, 907	
The Dalles:				
Baker	230, 000	------------	230, 000	All of the lands in this district are rough, hilly, mountainous, grazing lands.
Crook	341, 000	7, 800	348, 800	
Deschutes	188, 400	------------	188, 400	
Gilliam	12, 200	------------	12, 200	
Grant	144, 000	480	144, 480	
Jefferson	22, 000	------------	22, 000	
Harney	3, 863, 160	35, 791	3, 898, 951	
Malheur	4, 258, 360	28, 327	4, 286, 687	
Morrow	5, 000	------------	5, 000	
Sherman	9, 000	640	9, 640	
Umatilla	3, 520	8, 853	12, 373	
Union	1, 800	------------	1, 800	
Wallowa	6, 320	2, 200	8, 520	
Wasco	12, 000	------------	12, 000	
Wheeler	85, 200	------------	85, 200	
Total	9, 181, 960	84, 091	9, 266, 051	
State total	12, 826, 003	94, 331	12, 920, 334	

Statement showing the unappropriated and unreserved loads by district and county on July 1, 1932—Continued

SOUTH DAKOTA

Land district and county	Area in acres			Character
	Surveyed	Unsurveyed	Total	
Pierre:				
Bennett	9, 240		9, 240	Rough, hilly, grazing.
Brule	600		600	Do.
Butte	76, 060		76, 060	Rolling, broken, grazing.
Campbell	280		280	Grazing, low, wet.
Charles Mix	200		200	Rough, grazing.
Clark	200		200	Under water, nontillable.
Corson	66, 120		66, 120	Agriculture, grazing.
Custer	9, 480		9, 480	Rough, broken, grazing.
Dewey	28, 880		28, 880	Agricultural, grazing.
Fall River	19, 760		19, 760	Rough, grazing.
Haakon	8, 320		8, 320	Do.
Harding	17, 770		17, 770	Agricultural, grazing.
Jackson	12, 120		12, 120	Mostly bad lands, grazing.
Lawrence	3, 460		3, 460	Rough, grazing, some timber.
Meade	20, 820		20, 820	Rough, hilly, grazing.
Mellette	2, 860		2, 860	Do.
Pennington	69, 040		69, 040	Rolling, rough, grazing.
Potter	320		320	Rough, grazing.
Perkins	7, 280		7, 280	Agricultural, grazing.
Roberts	80		80	Low, wet, nontillable.
Stanley	16, 020		16, 020	Rough, grazing.
Sully	80		80	Do.
Walworth	160		160	Do.
Ziebach	49, 920		49, 920	Agricultural, grazing.
Sioux (N. D.)	200		200	Do.
Total	419, 270		419, 270	

UTAH

Land district and county	Surveyed	Unsurveyed	Total	Character
Salt Lake City:				
Beaver	822, 997	296, 705	1, 119, 702	Arid, rough, winter grazing.
Box Elder	734, 554	286, 605	1, 021, 159	Do.
Cache	8, 436		8, 436	Arid, rough, waste.
Carbon	210, 058	77, 784	287, 842	Arid, rough, mineral, waste.
Daggett	127, 846		127, 846	Rough, mountainous, suitable for grazing.
Davis	2, 202		2, 202	Arid, waste, winter grazing.
Duchesne	386, 346		386, 346	Rough, mountainous, mineral.
Emery	805, 077	809, 475	1, 614, 552	Do.
Garfield	599, 663	1, 373, 450	1, 973, 113	Mountainous, summer grazing.
Grand	1, 082, 965	730, 040	1, 813, 005	Mountainous, grazing, mineral.
Iron	772, 453	40, 760	813, 213	Rough, winter grazing, mineral.
Juab	575, 755	747, 480	1, 323, 235	Rough, winter grazing.
Kane	571, 224	1, 276, 560	1, 847, 784	Rough, mountain grazing.
Millard	1, 492, 141	1, 259, 845	2, 751, 986	Rough, winter grazing.
Morgan	11, 727		11, 727	Mountainous, summer grazing.
Piute	132, 908	10, 880	143, 788	Mountainous, spring grazing.
Rich	181, 284		181, 284	Mountainous, summer grazing.
Salt Lake	2, 237		2, 237	Arid, winter grazing.
San Juan	1, 058, 617	1, 496, 589	2, 555, 206	Rough, mountainous, mineral.
Sanpete	126, 456		126, 456	Do.
Sevier	139, 959	59, 703	199, 662	Do.
Summit	6, 242		6, 242	Mountainous, summer grazing.
Tooele	1, 575, 404	1, 953, 315	3, 528, 719	Arid, winter grazing, mineral.
Uintah	1, 236, 588	170, 353	1, 406, 941	Rough, mountainous, suitable for grazing.
Utah	52, 867		52, 867	Rough, mountainous, grazing.
Wasatch	25, 561		25, 561	Mountainous, winter grazing, mineral.
Washington	487, 564	134, 645	622, 209	Rough, mountainous, grazing.
Wayne	414, 592	817, 280	1, 231, 872	Do.
Weber	12, 628		12, 628	Arid, winter grazing.
Total	13, 656, 351	11, 541, 469	25, 197, 820	

Statement showing the unappropriated and unreserved lands by district and county on July 1, 1932—Continued

WASHINGTON

Land district and county	Area in acres			Character
	Surveyed	Unsurveyed	Total	
Spokane:				
Adams	9, 575		9, 575	Grazing, desert.
Asotin	8, 757		8, 757	Grazing, mountainous.
Benton	51, 216		51, 216	Arid, mountainous.
Chelan	31, 292		31, 292	Grazing, mountainous.
Clallam	2, 970		2, 970	Mountainous, rough.
Clark	1, 080		1, 080	Rough, in foothills.
Columbia	457		457	Grazing.
Cowlitz	3, 308		3, 308	Rough, broken, timbered.
Douglas	40, 963		40, 963	Rough, grazing.
Ferry	17, 144		17, 144	Mountainous, timbered.
Franklin	14, 248		14, 248	Desert, grazing.
Garfield	1, 128		1, 128	Grazing, mountainous.
Grant	126, 867		126, 867	Arid, mountainous.
Grays Harbor	40		40	Rough.
Jefferson	440		440	Hilly, mountainous.
King	3, 160		3, 160	Rough, mountainous.
Kitsap	76		76	Rough.
Kittitas	32, 916		32, 916	Arid, mountainous.
Klickitat	24, 939		24, 939	Grazing, rough, some timber.
Lewis	1, 341	80	1, 421	Rough, mountainous.
Lincoln	13, 418		13, 418	Arid, grazing.
Mason	471		471	Rough, broken.
Okanogan	98, 865		98, 865	Grazing, mountainous.
Pacific	36		36	Rough.
Pend Oreille	41, 409		41, 409	Mountainous, mineral, timber.
San Juan	979		979	Rough, broken.
Skagit	1, 640	270	1, 910	Rough, mountainous.
Skamania	2, 321		2, 321	Mountainous, broken.
Snohomish	98		98	Rough.
Spokane	564		564	Rough, broken.
Stevens	137, 171	1, 726	138, 897	Grazing, mineral, timbered.
Wahkiakum	120		120	Rough.
Walla Walla	4, 408		4, 408	Grazing, rough.
Whatcom	2, 507		2, 507	Hilly, mountainous.
Whitman	1, 378		1, 378	Rough, broken.
Yakima	28, 985		28, 985	Arid, grazing, rough.
Total	706, 287	2, 076	708, 363	

WYOMING

Land district and county	Surveyed	Unsurveyed	Total	Character
Buffalo:				
Big Horn	874, 283	15, 021	889, 304	Grazing, mountainous.
Campbell	165, 126		165, 126	Grazing, rough, farming.
Converse	1, 400		1, 400	Do.
Crook	70, 894	912	71, 806	Grazing, rough, farming, timber.
Fremont	3, 401		3, 401	Do.
Hot Springs	86, 865		86, 865	Grazing, mountainous, agricultural.
Johnson	283, 730	108, 464	392, 194	Dry farming, rough, rolling.
Natrona	8, 400	12, 801	21, 201	Grazing, rolling, agricultural.
Niobrara	5, 322		5, 322	Do.
Sheridan	42, 237	1, 920	44, 157	Grazing, mountainous, agricultural.
Washakie	634, 845	124, 690	759, 535	Grazing, mountainous.
Weston	61, 042		61, 042	Grazing, rolling, farming, timber.
Total	2, 237, 545	263, 808	2, 501, 353	
Cheyenne:				
Albany	389, 929		389, 929	Grazing, mountainous.
Big Horn	116, 227		116, 227	Grazing, mountainous, timber, agricultural.
Carbon	1, 660, 757		1, 660, 757	Mountainous, some timber.
Converse	157, 071		157, 071	Grazing, dry farming, mountainous.
Fremont	1, 518, 207	25, 609	1, 543, 816	Grazing, mountainous, arid, timber.
Goshen	14, 661		14, 661	Broken, grazing, dry farming.
Hot Springs	283, 400	10, 600	294, 000	Mineral, grazing, farming, timber.
Laramie	8, 661		8, 661	Broken, grazing, dry farming.
Natrona	1, 019, 462	7, 723	1, 027, 185	Grazing, dry farming, mountainous.
Niobrara	77, 875		77, 875	Do.
Park	391, 188		391, 188	Stone, grazing, farming, timber.
Platte	44, 923		44, 923	Broken, grazing, dry farming.

Statement showing the unappropriated and unreserved lands by district and county on July 1, 1932—Continued

WYOMING—Continued

Land district and county	Area in acres			Character
	Surveyed	Unsurveyed	Total	
Cheyenne—Contd.				
Sublette	56, 606		56, 606	Grazing, mountainous
Sweetwater	515, 629		515, 629	Mountainous, grazing, alkaline.
Washakie	24, 513		24, 515	Broken, grazing, farming.
Total	6, 279, 109	43, 932	6, 323, 041	
Evanston:				
Lincoln	746, 539		746, 539	Grazing, mountainous.
Sublette	1, 098, 555		1, 098, 555	Do.
Sweetwater	3, 125, 235	224, 185	3, 349, 420	Grazing, alkaline.
Teton	3, 080		3, 080	Grazing, timber.
Uinta	395, 425		395, 425	Grazing, mountainous.
Fremont	311, 540		311, 540	Grazing, alkaline.
Total	5, 680, 374	224, 185	5, 904, 559	
State total	14, 197, 028	531, 925	14, 728, 953	

RECAPITULATION

Statement showing area in acres of the unappropriated and unreserved public lands as of July 1, 1932

States	Area, in acres		
	Surveyed	Unsurveyed	Total
Arizona	6, 822, 760	6, 759, 000	13, 581, 760
Arkansas	175, 924		175, 924
California	10, 297, 683	5, 414, 884	15, 712, 567
Colorado	6, 395, 425	1, 072, 172	7, 467, 597
Florida	11, 879	20, 424	32, 303
Idaho	9, 274, 312	1, 591, 160	10, 865, 472
Minnesota	269, 451		269, 451
Montana	6, 151, 409	87, 020	6, 238, 429
Nebraska	20, 225		20, 225
Nevada	30, 186, 828	21, 035, 106	51, 221, 934
New Mexico	12, 431, 000	1, 184, 150	13, 615, 150
North Dakota	142, 694		142, 694
Oregon	12, 826, 003	94, 331	12, 920, 334
South Dakota	419, 270		419, 270
Utah	13, 656, 351	11, 541, 469	25, 197, 820
Washington	706, 287	2, 076	708, 363
Wyoming	14, 197, 028	531, 925	14, 728, 953
Total	123, 984, 529	49, 333, 717	173, 318, 246
Territory of Alaska		346, 195, 895	346, 195, 895
Grand total	[1] 123, 984, 529	[1] 395, 529, 612	[1] 519, 514, 141

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[1] This total does not include areas remaining undisposed of in the States of Alabama, Kansas, Louisiana, Michigan, Mississippi, Oklahoma, and Wisconsin, or the area of the vacant and unreserved surveyed public lands in Alaska, which figures, for reasons explained on page 1 of this circular, are not available.

UNPERFECTED ENTRIES ON JULY 1, 1932

State and land district	Number of				
	Homestead entries	Area	Other entries	Area	Total
		Acres		*Acres*	*Acres*
Arizona: Phoenix	4, 253	1, 359, 359	593	166, 612	1, 525, 971
Arkansas: Little Rock	1, 072	83, 244	6	720	83, 964
California:					
Los Angeles	2, 490	456, 632	1, 429	321, 483	778, 115
Sacramento	2, 054	595, 986	371	78, 409	674, 395
Colorado:					
Denver	3, 636	1, 479, 928	143	16, 655	1, 496, 583
Pueblo	1, 821	630, 075	28	2, 429	632, 504
Florida: Gainesville	261	18, 238	71	1, 477	19, 715
General Land Office: Washington, D. C	839	62, 135	157	20, 694	82, 829
Idaho:					
Blackfoot	2, 419	921, 868	369	833, 996	1, 755, 864
Coeur d'Alene	185	34, 902	98	218, 641	253, 543
Minnesota: Cass Lake	424	47, 430	56	2, 166	49, 596
Montana:					
Billings	4, 832	1, 893, 344	51	4, 321	1, 897, 665
Great Falls	3, 009	915, 880	2, 036	252, 601	1, 168, 481
Nebraska: Alliance	231	35, 917	0	0	35, 917
Nevada: Carson City	554	212, 053	501	885, 897	1, 097, 950
New Mexico:					
Las Cruces	4, 964	2, 420, 823	323	242, 467	2, 663, 290
Santa Fe	5, 135	2, 111, 529	720	339, 552	2, 451, 081
North Dakota: Bismarck	489	75, 384	1	160	75, 544
Oregon:					
Lakeview	287	118, 327	15	2, 775	121, 102
Roseburg	1, 435	126, 733	112	59, 367	186, 100
The Dalles	1, 443	514, 790	195	174, 718	689, 508
South Dakota: Pierre	2, 054	523, 585	513	90, 069	613, 654
Utah: Salt Lake City	2, 372	1, 110, 471	411	112, 398	1, 222, 869
Washington: Spokane	426	88, 600	63	83, 215	171, 815
Wyoming:					
Buffalo	2, 741	1, 373, 353	132	183, 168	1, 556, 521
Cheyenne	5, 396	2, 483, 346	115	16, 371	2, 499, 717
Evanston	710	344, 674	54	15, 875	360, 549
Total	55, 532	20, 038, 606	8, 563	4, 126, 236	24, 164, 842

U. S. GOVERNMENT PRINTING OFFICE: 1932

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Circular No. 1288.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

August 24, 1932.

: Extension of Period for
: Submission of Final Proof
: on Homestead Entries.
: Supplemental Instructions.

Superseded by
Circ. 1311

Registers,

U. S. Land Offices.

Sirs:

By Circular No. 1269 you were furnished with the text of the act of May 13, 1932 (Public No. 130), and with the instructions thereunder.

You are further advised that the act does not operate as an extension of time, nor does it in terms exempt an entry from contest even if the failure to meet the statutory provisions incident to offering satisfactory proof was caused by adverse weather or economic conditions. It does, however, authorize the Secretary of the Interior to grant an extension for the submission of proof for a period of two years upon a showing that owing to adverse weather or economic conditions it would be a hardship to meet the requirements incident to final proof. To secure the benefits of the act an entryman must file an application for extension of time, and where there has been a failure to comply with the law in matters of residence, cultivation, and improvements the applicant must show that such failure was caused by adverse weather or economic conditions, and that by reason of such conditions it would be a hardship to meet the statutory requirements incident to offering satisfactory final proof within the period fixed by law. The filing of an application for extension of time, accompanied by proofs entitling the applicant to the relief granted by the act, will operate as a stay against contest based upon the charge that the entryman has failed to comply with the provisions of law in the matter of residence, cultivation or improvements.

Very respectfully,

C. C. MOORE,

Commissioner.

Approved: August 24, 1932.

JOHN H. EDWARDS,

Assistant Secretary.

Cir 1288

See Circ. 1840

Office Copy

See Circ. 1386 + 1552

~~Circular~~ No. 1290

AMENDMENT TO OIL LEASING REGULATIONS AS TO BONDS

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UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

October 19, 1932.

Registers,

United States Land Offices.

Sirs:

On October 10, 1932, the Acting Secretary of the Interior amended the oil leasing regulations as to bonds as follows:

> In view of the present conditions which have been brought to the attention of the Department, effective immediately and until further notice, bonds required of permittees or lessees under the oil leasing act may be furnished:
>
> 1. In the form of qualified corporate sureties.
>
> 2. Individual surety bonds.
>
> 3. United States bonds of the par value of not less than the total amount of the bond required pursuant to section 1320 of the act of February 24, 1919 (40 Stat. 1148). See Treasury Circular 154 of June 30, 1919.
>
> Where individual surety bonds are tendered they must be executed by not less than two qualified individual sureties to cover compliance with all terms and conditions of the lease or permit or the applicable law or regulation. With the bond signed by the individual sureties must be filed affidavits of justification by the sureties that each is worth in real property not exempt from execution, double the sum specified in the undertaking, over and above his just debts and liabilities. With such bonds must also be furnished a certificate by a judge or clerk of a court of record, a United States District Attorney, a United States Commissioner, or a United States Postmaster, as to the identity, signatures, and financial competency of these sureties. All bonds will be examined from time to time as to their sufficiency and additional security will be required whenever deemed necessary.

Sec. 4 (h) of Circular 672, as amended by Circular 1111 of February 21, 1927, Sec. 16 of Circular 672, and Sec. 2 (a) of oil and gas lease form approved by the Department on March 11, 1920, are modified to permit the acceptance of bond with qualified individual sureties where same are offered in accordance with the above requirements.

All bonds furnished with individual sureties will be listed by this office for examination at the expiration of two years from date of bond, and every two years thereafter, at which time, or at any other time when found advisable, the principal of the bond will be required to furnish new affidavits of justification by the sureties, and if such sureties are not sufficient additional security will be required.

Very respectfully,

THOS. C. HAVELL,
Acting Commissioner.

Approved: October 19, 1932.

JOHN H. EDWARDS,

Acting Secretary.

Circular No. 1291.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

January 4, 1933.

RESERVOIR RIGHTS OF WAY UNDER THE ACT OF MARCH 3, 1891 (26 Stat. 1095)

Registers,
U. S. Land Offices.

Sirs:

In handling cases involving lands affected by rights of way for reservoirs granted under the act of March 3, 1891 (26 Stat. 1095), it has been noted that the procedure followed is not uniform.

The Department has construed the grant under this act to be a fee (base or qualified) and in the case of the Windsor Reservoir and Canal Company vs. Miller (51 L. D. 27, 305), held that such grants can not be disturbed by subsequent disposals. These rulings are affected, however, by the more recent act of May 21, 1930 (46 Stat. 373), which permits, in certain instances, the leasing of lands in such rights of way for the extraction of oil and gas. For regulations under said act of May 21, 1930, see Circular No. 1224 approved July 3, 1930.

Therefore, when any application other than oil and gas is received involving lands affected by a right of way for a reservoir under said act of March 3, 1891, you will consult the map of the reservoir site on file in your office to determine the extent of the conflict. If any subdivision is wholly within a subsisting right of way, the application should be rejected as to such subdivision, subject to the usual right of appeal to this office.

Very respectfully,

C. C. MOORE,

Commissioner.

Approved: January 4, 1933.

JOHN H. EDWARDS,

Assistant Secretary.

Circ. 1291

69790

Circular No. 1292.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

February 23, 1933.

EXTENSIONS OF TIME UNDER POTASH PERMITS — INSTRUCTIONS UNDER THE ACT OF MAY 7, 1932, 47 STAT. 151, Circulars Nos. 926 and 1274, superseded.

Registers,

United States Land Offices.

Gentlemen:

By the act of Congress approved May 7, 1932 (47 Stat. 151), the Secretary of the Interior was authorized to grant an extension of time for a period of two years on any potash prospecting permit issued under the act of February 7, 1927 (44 Stat. 1057). The act is as follows:

> "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act approved February 7, 1927, entitled 'An Act to promote the mining of potash on the public domain', is hereby amended by adding thereto a section, to be numbered 7, reading as follows:
>
> 'Sec. 7. Any prospecting permit issued under this Act may be extended by the Secretary of the Interior for a period not exceeding two years, upon a showing of satisfactory cause'."

Accordingly, a permittee who has been unable to complete prospecting and who desires to prosecute further prospecting, may, if he shows satisfactory cause, be granted an extension of time for not exceeding two years, upon filing an application therefor, accompanied with his own affidavit setting forth what efforts, if any, he has made to comply with the terms of his permit and the reasons for failure fully to comply therewith, such showing to be corroborated by the affidavit of at least one disinterested person having actual knowledge of the facts.

In any case where the permittee is required to maintain a bond under his permit, he must furnish with his application for extension a properly executed assent by the surety to the extension of his bond to cover the life of the permit as it will be extended if an extension is granted, or furnish a new bond.

The application for extension should be filed in the local land office having jurisdiction over the land involved prior to the cancellation of the

Circ. 1292

permit and should state what the plans are for continuing prospecting work, with information tending to show that the work may be completed within the time, if extended.

Since the life of a potash prospecting permit may be extended beyond two years for which granted, it does not automatically expire at the end of that time. Therefore, until such permit is canceled by the affirmative action by this office or the Department, after permittee has had an opportunity to show cause, it is a bar to other filings of like character for the same land.

These instructions supersede those contained in Circulars Nos. 926 and 1274.

You will give the widest publicity possible to these instructions without expense to the Government.

Very respectfully,

C. C. MOORE,

Commissioner.

Approved:
February 23, 1933,

(SGD.) JOHN H. EDWARDS,

Assistant Secretary.

Circular 1293 (Revised) 133729

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

April 1, 1937.

1487924 "N" NFS

: Amendment of Regulations
: Governing Individual
: Surety Bonds.

Registers,

United States Land Offices.

Sirs:

Hereafter where bonds are furnished, with individuals as sureties, in connection with permits and leases under the general leasing act, such individuals must be residents of the State and the United States Judicial District in which the lands involved are located.

Evidence of such residence must be furnished by affidavits of the sureties.

Attention is directed to the reverse side of this sheet for the forms of affidavit of justification required to be furnished by individual sureties and certificate of competency, which forms should be followed strictly.

Existing circulars relating to such bonds are hereby modified only to the extent above stated.

You will give as much publicity to this circular as possible without expense to the Government.

Very respectfully,

Approved: April 1, 1937.

(Sgd) T. A. Walters,

First Assistant Secretary.

(Sgd) Fred W. Johnson,
Commissioner.

(To appear on the reverse side of Circular No. 1293)

SUGGESTED FORM OF AFFIDAVIT OF JUSTIFICATION TO BE FURNISHED BY INDIVIDUAL SURETIES.

State of ________________)
County of ______________) SS

I, (name of surety), of (city or town), (State), do hereby swear that I am the same person who appears as individual surety on the bond furnished in connection with application (land office), (serial number), filed by (name of applicant), that I am worth in real property not exempt from execution double the sum specified in the undertaking, over and above my just debts and liabilities; that the real property is situated in (city or town), (State), and is valued at $ (amount); that said real property is unencumbered by mortgage, lien or otherwise, except in the sum of $ (amount); that I am not a surety on other bonds to the United States, except in the sum of $(amount), filed in the cases of (land office), (serial number), (names of principals) ____.

______________________ L.S.

Subscribed and sworn to before me this ___ day of _____, nineteen hundred and __________, at ________________________.

SEAL ______________________________

****

SUGGESTED FORM OF CERTIFICATE TO BE FURNISHED BY A JUDGE OR CLERK OF A COURT OF RECORD, A UNITED STATES DISTRICT ATTORNEY, A UNITED STATES COMMISSIONER, OR A UNITED STATES POSTMASTER.

State of ____________________
County of ___________________

I, (name), (title), do hereby certify that ______________________ and ______________________, who appear as sureties on the bond of (name of applicant), are known to me personally, and that each is a resident of the State and the United States Judicial District in which the lands applied for are located, and that each is worth, in real property not exempt from execution, double the sum specified in the undertaking, over and above his just debts and liabilities, and that the signatures appearing on the bond and affidavits of justification are in fact the signatures of said parties.

(date), 19______. (signature)

(city or town), (State).

Form approved:

First Assistant Secretary.

Circular No. 1293 a

REGULATIONS GOVERNING INDIVIDUAL SURETY BONDS

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

(1) Regulations amended. Circular No. 1293, dated April 1, 1937, containing regulations governing individual surety bonds, was incorporated into the Code of Federal Regulations as Section 191.8. This regulation is hereby amended to read as follows:

Sec. 191.8. (2) Bonds with individual sureties. Where bonds are furnished with individuals as sureties in connection with permits and leases under the general leasing act, such individuals must be residents of the State and the United States Judicial District in which the lands involved are located, except that the individual sureties on the $1,000 lease bonds required with leases under the amendatory Act of August 21, 1935 (49 Stat. 674), and on drilling bonds filed under prospecting permits, may be either residents of the same State and the United States Judicial District as the principal on the bond, or residents of the State and the Judicial District in which the lands involved are located.

The affidavit of justification required to be furnished by individual sureties and the certificate of competency should be in the following forms:

AFFIDAVIT OF JUSTIFICATION

(To be furnished by individual sureties.)

State of ____________________) SS
County of ___________________)

1. (Name of surety) ____________, of (City or town) ____________, (State) ____________, do hereby swear that I am the same person who appears as individual surety on the bond furnished in connection with application (Land Office) ____________, (serial number) ____________,

filed by ____(name of applicant)__________, that I am worth in real property not exempt from execution double the sum specified in the undertaking, over and above my just debts and liabilities; that the real property is situated in __(City or town)____, _____(State____________, and is valued at $_________; that said real property is unencumbered by mortgage, lien or otherwise, except in the sum of $_(amount)__; that I am not a surety on other bonds to the United States, except in the sum of $_(amount)__, filed in the cases of ______(Land Office)__________,
(serial number), _____(Names of principals)____________________
____.

____

Subscribed and sworn to before me this _____ day of __________, nineteen and ______, at ______________________.

Seal ____________________________.

* *

CERTIFICATE OF COMPETENCY

(To be furnished by a judge or clerk of a court of record, a United States District Attorney, a United States Commissioner, or a United States Postmaster.)

State of ________________.
County of ________________.

I, ____(name)____________________, ____(title)______ do hereby certify that ____________________, and ________________ who appear as sureties on the bond of ___(name of applicant)________, are known to me personally, and that each is a resident of the State and the United States Judicial District in which (the land is located), or (the principal resides), and that each is worth, in real property not exempt from execution double the sum specified in the undertaking, over and above his just debts and liabilities, and that the signatures appearing on the bond and affidavits of justification are in fact the signatures of said parties.

__(Date)______________, 19_____, _______(signature)_________________

_(City or town)____________, __________(State)____________________*

(Sgd) Fred W. Johnson,
Commissioner.

Approved: March 8, 1939

(Sgd) E. K. Burlew

Acting Secretary of the Interior.

* Issued under authority of Sec. 32, 41 Stat. 450; Sec. 5, 44 Stat. 302; Sec. 5, 44 Stat. 1058; 30 U.S.C. 189,275,285.

INSTRUCTIONS REGARDING EXECUTION
OF
OIL AND GAS LEASE FORMS
WHERE NO BOND IS REQUIRED

In order that prompt action can be taken on applications for oil and gas leases, the following instructions should be carefully observed in the execution of lease forms by oil and gas applicants:

Each of the three lease forms must be signed by the applicant or applicants at the lower right-hand corner of the last page, below the space provided for the signature of the Secretary of the Interior. All signatures should be in ink.

The applicant should not date the lease forms, as they will be dated in the Department.

The signatures of the applicant or applicants must be witnessed by at least two competent witnesses, and the signatures and addresses of such witnesses should be placed at the lower left-hand corner of the last page of each of the lease forms.

No bond is required to be furnished but applicant must initial the attachment to section 2(a) on page one of each lease form.

Approved: DEC 6 - 1939

(sgd.) Joel David Wolfsohn
Acting Assistant Commissioner.

39576

INSTRUCTIONS REGARDING EXECUTION OF OIL AND GAS LEASE FORMS, FURNISHING OF BONDS AND PAYMENT OF RENTAL

In order that prompt action can be taken on applications for oil and gas leases, the following instructions should be carefully observed in the execution of lease forms and submission of bonds by oil and gas applicants:

Each of the three lease forms must be signed by the applicant or applicants at the lower right-hand corner of page 7, below the space provided for the signature of the Secretary of the Interior. All signatures should be in ink.

The applicant should not date the lease forms, as they will be dated when signed in the Department.

The signatures of the applicant or applicants must be witnessed by at least two competent witnesses, and the signatures and addresses of such witnesses should be placed at the lower left-hand corner of page 7 of each of the lease forms.

~~Attention is directed to section 14 of the enclosed Circular No. 1386, for instructions relative to the bond which is required in section 2(a) of the lease.~~ A bond form is enclosed. If an individual surety bond is furnished, there must be strict compliance with the provisions of Circulars 1290 and 1293, also enclosed. Affidavits of justification and certificates which are required to be furnished in connection with individual surety bonds should be in the form provided in Circular No. 1293.

Under the provisions of the amendatory oil and gas leasing act of August 21, 1935 (49 Stat. 674), leases issued pursuant to applications filed between May 24, 1935, and August 20, 1935, both dates inclusive, require no payment of rental for the first two lease-years unless oil or gas is sooner discovered. If the application was filed on or after August 21, 1935, the first year's rental must be paid before the lease will issue. See section 15 of Circular 1386.

Approved: March 31, 1937.

(Sgd) Fred W. Johnson,

Commissioner.

Circular No. 1294.

REGULATIONS UNDER THE ACT OF FEBRUARY 9, 1933 (PUBLIC NO. 330) AMENDING THE ACT OF FEBRUARY 25, 1920, BY ADDING THERETO SEC. 39, WHICH PROVIDES FOR SUSPENSION OF ANNUAL PAYMENTS OF RENTAL UNDER COAL, OIL, AND/OR GAS LEASES.

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UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

March 3, 1933.

Registers,

United States Land Offices.

Gentlemen:

By the act of February 9, 1933 (Public No. 330, 72nd Congress), the leasing act of February 25, 1920 (41 Stat. 437), is further amended by adding thereto the following section:

> "Sec. 39. In the event the Secretary of the Interior, in the interest of conservation, shall direct or shall assent to the suspension of operations and production of coal, oil, and/or gas under any lease granted under the terms of this Act, any payment of acreage rental prescribed by such lease likewise shall be suspended during such period of suspension of operations and production; and the term of such lease shall be extended by adding any such suspension period thereto: Provided, That nothing in this Act shall be construed as affecting existing leases within the borders of the naval petroleum reserves and naval oil-shale reserves."

The provisions of the act apply to oil and gas and coal leases where, in the interest of conservation, suspensions of operations and production have been or may be directed or assented to by the Secretary of the Interior whether the form of suspension is by order of the Secretary of the Interior, by reason of the restricted drilling clause now inserted in the secondary or (b) lease, or by the granting of such relief upon application by the lessee.

No payment of rental under such leases so suspended is therefore required to be made during the suspension periods, beginning with the first annual rental date after suspension, or after the date of the act when suspension was then in effect, and continuing until the suspension is terminated, by revocation of the order of suspension, direction by the Secretary, or his authorized representative, to operate the lease, or by resumption of operations by the lessee.

While the act does not relieve lessees from payment of rentals accrued prior to its date on leases heretofore suspended, such lessees who are now in

Cir. 1294 Sec 1341

default in the payment of past rentals accrued during suspension of operations and production under their leases will be allowed to defer payment of the amounts due until termination of the suspension periods or until otherwise directed by the Secretary.

Relief from payment of rentals under suspended leases will not be affected by the payment by the lessee of compensatory royalty in lieu of drilling offset wells.

In computing the term of any oil and gas lease, the time, if any, subsequent to February 9, 1933, during which operations and production under the lease may be suspended in the interest of conservation will not be considered as a part of such term.

A suspended preference right to lease the secondary or (b) acreage of the permit will no longer be granted to applicants for lease under Section 14 of the Leasing Law. Those who have accepted such rights in lieu of leases with the restricted drilling provision authorized by the regulations will be given notice and allowed 60 days from receipt thereof to execute and file leases, such leases to contain the restricted drilling provision. Any such lease, if issued, will not require payment of annual rental thereon until drilling and producing under the lease is authorized. In case, after notice, the holder of such preference right to lease fails to complete the lease, no further right to lease the land will be recognized, and the permit will be canceled.

The provisions of the act apply to coal leases where suspension of the requirements of Section (2-i) of the leases is made in the interest of conservation. However, a coal lessee will not be excused from payment of annual rental where the required production under the lease is modified to a lesser amount than provided in the lease, or modified to require no production where the application for such modification is made subsequent to the expiration of the year for which the relief is requested.

Very respectfully,

C. C. MOORE,

Commissioner.

I concur:

W. C. MENDENHALL,

Director, Geological Survey.

Approved: March 3, 1933.

RAY LYMAN WILBUR,

Secretary.

13682

Still in effect 5/27/51
but amended by Circ. 1507

Circular No. 1295

Address only the Commissioner of the General Land Office

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

In reply please refer to
1482878 "F" RCP.

April 1, 1933.

: Instructions under act of
June 15, 1926 (44 Stat. 746).

Registers,
United States Land Offices,
Las Cruces and Santa Fe, New Mexico.

Sirs:

1. By the act of Congress approved June 15, 1926 (44 Stat. 746), it is provided as follows:

> "That section 10 of the Act entitled 'An Act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States,' approved June 20, 1910, be, and the same is hereby amended, subject to the consent to the terms hereof by the State of New Mexico, by adding the following: Provided, That the Secretary of the Interior be, and he is hereby, authorized in his discretion to accept on behalf of the United States, title to any land within the exterior boundaries of the national forests in the State of New Mexico, title to which is in the State of New Mexico, which the said State of New Mexico is willing to convey to the United States, and which shall be so conveyed by deed duly recorded and executed by the Governor of said State and the State land commissioner, with the approval of the State land board of said State, and as to land granted to the said State of New Mexico for the support of common schools with the approval of the State superintendent of public instruction of said State, as to institutional grant lands with the approval of the governing body of the institution for whose benefit the lands so reconveyed were granted to said State, if, in the opinion of the Secretary of Agriculture, public interests will

be benefited thereby and the lands are chiefly valuable for national forest purposes, and in exchange therefor, the Secretary of the Interior, in his discretion, may give not to exceed an equal value of unappropriated, ungranted, national forest or other government land belonging to the United States within the said State of New Mexico, as may be determined by the Secretary of Agriculture and be acceptable to the State as a fair compensation, consideration being given to any reservation which either the State or the United States may make of timber, mineral, or easements.

That authority is hereby vested in the President temporarily to withdraw from disposition under the Act of June 25, 1910 (Thirty-sixth Statutes at Large, page 847), as amended by the Act of August 24, 1912 (Thirty-seventh Statutes at Large, page 497), lands proposed for selection by the State under the provisions of this Act.

Sec. 2. Where sections 2, 16, 32, and 36, within national forests, legal title to which sections is retained in the United States under the provisions of section 6 of the said Act of June 20, 1910, and which sections are administered as a part of the said national forests for the benefit of the said State of New Mexico, have not already been tendered as base for indemnity selection under sections 2275 and 2276, United States Revised Statutes, and where such sections of land, in the opinion of the Secretary of Agriculture, are chiefly valuable for forest purposes, upon surrender by the State of New Mexico of the right to make lieu selections and of all claim, right, or interest in or to said sections upon and in the event of elimination from the national forests, the Secretary of the Interior, in consideration of such surrender, may, in his discretion, give to the State of New Mexico not to exceed an equal value of unappropriated, ungranted, national forest or other government land belonging to the United States within the said State of New Mexico, as may be determined by the Secretary of Agriculture and be acceptable to the State as a fair compensation, consideration being given to any reservation which either the State or the United States may make of timber, mineral, or easements.

That the Secretary of Agriculture may establish regulations and a procedure for appraising the values of the lands owned by the United States and by the State and for carrying out the provisions of this Act.

Sec. 3. That all lands acquired by the State of New Mexico under the provisions, and all the products and proceeds of said lands, shall be subject to all the conditions and trusts to which the lands conveyed or surrendered in lieu thereof are now subject. All lands conveyed to the United States under this Act shall, upon acceptance of title, become parts of the national forests within which they are situated.

> Sec. 4. That pursuant to section 10, Article XXI, constitution of the State of New Mexico, the consent of the United States is hereby granted for amendment of the constitution of the State of New Mexico in accordance with the provision of this Act."

Evidence has been furnished of the amendment to the constitution of the State of New Mexico, as provided by this act.

2. All preliminary negotiations relating to an exchange under this act are to be conducted with the local representatives of the Forest Service, and the State must file with the Regional Forester, Albuquerque, New Mexico, an informal application describing the land to be conveyed as well as that to be selected, which lands must be described by legal subdivisions, or by entire sections, and nothing less than a legal subdivision may be surrendered or selected. The lands selected in any one application should not exceed 6,400 acres. The conveyed lands must be within the exterior boundaries of a national forest, and the selected lands may be within a national forest or may be from the unreserved and unappropriated surveyed public lands within the State.

3. Where the lands proposed for selection by the State as aforesaid, under the provisions of said act of June 15, 1926, are outside of national forests and form a part of the unappropriated, unwithdrawn, unreserved, surveyed public lands, a list of such lands should be promptly forwarded by the State to the Commissioner of the General Land Office, with the request that a withdrawal thereof be made under the act of June 25, 1910 (36 Stat. 847), as amended by the act of August 24, 1912 (37 Stat. 497), and in aid of said proposed selection by the State under said act of June 15, 1926.

4. The application for exchange should show in detail every reservation of mineral, timber, or easements previously granted or to be made by the State to which the offered lands are subject, and should also show the reservations of timber, minerals or easements which are acceptable to the State and are to be made by the United States.

The act requires that the value of the selected lands shall not exceed that of the offered lands, consideration being given to any reservations of timber, mineral, or easements which may be made by the State or the United States. The values of both offered and selected lands shall be determined by the Secretary of Agriculture. To meet that requirement of law, both the offered and selected lands will be examined and appraised by officers of the Forest Service, in conformity with the principles and procedure governing examinations of lands offered or selected under the provisions of land exchange laws as set forth in the National Forest Manual. If such examinations disclose inequalities of value, the State will be so advised and opportunity afforded for adjustments which will bring the exchange within the provisions of the law.

After agreement as to values has tentatively been arrived at by the State officials and officers of the Forest Service, the Chief of Field Division of the General Land Office at Santa Fe, New Mexico, will be furnished with two copies of each report and appraisal covering lands to be selected from the unreserved public domain, for comment and recommendations. If no objections to the proposed exchange are known to the Chief of Field Division, he will so endorse the reports, returning one copy to the Regional Forester and forwarding the other to the Commissioner of the General Land Office at Washington, D. C. If the Chief of Field Division has valid objections to the tentative agreement, the Regional Forester will endeavor to consider and adjust them. If the report meets with the approval of the Chief of Field Division, the Regional Forester will forward the copy of the report returned by the Chief of Field Division, together with the application and other related papers, to the Forester at Washington, D. C.

5. If, in the case of selection of unreserved public lands of the United States, a joint examination for appraisal is requested through the national forest officers, arrangements for such examination may be made with the Chief of Field Division of the General Land Office. Where, for any reason, other or further examination is found necessary or desirable by the Department of the Interior, the Chief of Field Division will be so instructed.

6. When it has been shown to the satisfaction of the Secretary of Agriculture, through the district forester and the Forest Service at Washington, D. C., that the exchange sought will be in the public interest and that the value of the selected land does not exceed that of the land offered in exchange, the Secretary of the Interior will be so advised. The letter of recommendation of the Secretary of Agriculture should specifically describe all reservations of mineral, timber, or easements previously granted or to be made by either the State or the United States. The General Land Office will notify the district land officers that applications for such exchange may be allowed, if in conformity with these regulations.

7. All applications for exchange under the provisions of this act must be filed, by the proper officers of the State, in the district land office of the district in which the lands applied for are situated, accompanied by the following affidavits and certificates:

(a) An affidavit as to the nonmineral and nonsaline character of the land applied for, except where the land is subject to a reservation of mineral rights by the United States. The nonmineral affidavit should also show that said land is unappropriated and is not occupied by and does not contain improvements placed thereon by any Indian.

(b) A certificate of the selecting agent that the selection is made under and pursuant to the laws of the State.

(c) An affidavit that the land selected does not exceed in value that of the land offered in exchange.

8. Where the application is for public lands of the United States outside of national forest boundaries, there must be furnished a corroberated affidavit relative to springs and water holes upon the land applied for, in accordance with existing regulations pertaining thereto in the case of all similar State selections.

9. Payment of fees will be required in the sum of $1.00 for each 160 acres, or fraction thereof, selected by the State.

10. Where title has actually vested in the State as to the lands sought to be conveyed, each application for exchange must be accompanied by a deed (unrecorded), prepared in accordance with the laws of the State of New Mexico governing the conveyance of real property, executed by the Governor of the State and the Commissioner of Public Lands, with the approval of the State land board and the State superintendent of public instruction, as to the lands granted for the support of common schools; and as to institutional grant lands, with the approval of the governing body of the institution for whose benefit the lands so reconveyed were granted to the State. Where the legal title to school sections is retained in the United States under the provisions of section 6 of the enabling act of June 20, 1910, or where title to school sections has not vested in the State because of withdrawal of the lands prior to survey, the State must furnish a certificate showing surrender by the State of the right to make lieu selections under sections 2275 and 2276 R. S., as amended, and of all claim, right or interest in or to said lands. All selection lists must be accompanied by certificates of the proper State officer and of the proper county recorder, showing that the offered lands have not been sold or otherwise encumbered by the State. In case, however, any of such lands have been sold by the State and title again acquired, an abstract of such title will be necessary.

11. In order to simplify the work of keeping the records and of adjudicating exchanges under this act, these two classes of exchanges (where deeds of conveyance are required as to the lands offered in exchange, and where title to school sections is in United States) should not be made in the same selection list, but should be in separate lists.

12. If the selection appears regular and in conformity with these regulations, you will accept the selection, assign the current serial number thereto, and will prepare notice for publication in accordance with the regulations approved June 23, 1910 (39 L. D. 39), and amendments thereto.

13. When upon examination in this office it is found that all requirements have been complied with and it is considered that the State is entitled to the exchange sought, the deed will be returned to the State for recordation and retransmittal to this office, and where abstract

of title may have been required, such abstract will be returned to be brought down to show the title in the United States, free from all liens and incumbrances, including tax liens. Upon the return of the recorded deed and satisfactory abstract of title, the selections will be embraced in a clear list and transmitted to the Secretary with recommendation for approval, in the absence of other objection, with a view to the certification to the State of the selected lands.

14. Should the application for exchange be finally rejected or the selection canceled, for any reason, the unrecorded deed and the abstract of title will be returned to the State.

Very respectfully,

/s/ C, C. Moore,
Commissioner.

Approved:

(Sgd) John H. Edwards

Assistant Secretary of the Interior.

Secretary's File Room
(Signed)

H. A. Wallace

Secretary of Agriculture.

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APR 10 1933

Circular No. 1296.

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UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

March 31, 1933.

Widows of persons who
served in certain Indian
Wars allowed credit for
deceased husbands' military
service in such wars by
act of March 3, 1933 (Public
414).

Registers,

U. S. Land Offices.

Gentlemen:

The act of March 3, 1933 (Public No. 414), provides as follows:

> "That the provisions and limitations of the Act entitled 'An Act to allow credit to homestead settlers and entrymen for military service in certain Indian wars', approved April 7, 1930, are hereby extended to the widow of any person who would be entitled to make homestead entry or settlement and receive credit in connection therewith for military service under the provisions of such Act, if such widow is unmarried and otherwise qualified to make entry of public lands under the provisions of the homestead laws of the United States and has heretofore made or shall hereafter make such entry: Provided, That in the event of the death of any such widow prior to perfection of title, leaving only a minor child or children, patent shall issue to the said minor child or children upon proof of death, and of the minority of the child or children, without further showing or compliance with law."

This act extends the benefits of the act of April 7, 1930 (46 Stat. 144), explained in Circular No. 1218 (53 I. D. 102), to the unmarried widow of a soldier who served in an Indian War mentioned in said act of April 7, 1930, and who died possessed of a homestead right or who may be considered as restored to such right under existing laws. If such widow shows her qualifications and makes her homestead entry, in perfecting title to the land included therein she may deduct the period of

(over)

her deceased husband's military service from the three years residence required, subject to compliance with the requirements of the law for at least one year.

The widow must make the same showing to establish evidence of the military service as the husband would have been required to make had he become a homestead applicant for public land. Therefore evidence of military service must be furnished as explained in said Circular No. 1218 and in addition the widow must file an affidavit showing that she is the soldier's unmarried widow and that at the time of his death he was possessed of the right to make a homestead entry or that the existing laws may be invoked to restore such right. If he ever made a homestead entry data sufficient for this office to identify the same must be furnished.

If such widow makes a homestead entry and dies prior to perfection of the title to the land included therein, leaving only a minor child or children, patent will issue to such minor child or children upon proof of her death and of the minority of the child or children, without further showing of compliance with law, but publication and posting of notice of intention to submit proof must be had and evidence thereof filed in support of the request for the issuance of the patent to the child or children of such deceased homesteader.

Very respectfully,

C. C. MOORE,

Commissioner.

Approved: March 31, 1933.

(SGD) JOHN H. EDWARDS,

Assistant Secretary.

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